

EXHIBIT “E”

<p>5</p> <p>1 STIPULATIONS 5</p> <p>2 IT IS HEREBY STIPULATED AND AGREED by and</p> <p>3 between the counsel for the respective parties hereto,</p> <p>4 that the filing, sealing, and certification of the</p> <p>5 within deposition shall be waived.</p> <p>6</p> <p>7 IT IS FURTHER STIPULATED AND AGREED that</p> <p>8 all objections, except as to the form of the question,</p> <p>9 shall be reserved to the time of the trial.</p> <p>10</p> <p>11 IT IS FURTHER STIPULATED AND AGREED that</p> <p>12 the within deposition may be signed before any Notary</p> <p>13 Public with the same force and effect as if signed and</p> <p>14 sworn to before the Court.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>7</p> <p>1 John Raymond Cervini 7</p> <p>2 premarked Exhibit 9 for</p> <p>3 Identification, as of this date;</p> <p>4 Grace Bank Account Statements --</p> <p>5 Signature Account No. xx3480 were</p> <p>6 premarked Exhibit 10 for</p> <p>7 Identification, as of this date;</p> <p>8 Grace Bank Account Statements --</p> <p>9 Salisbury Account No. xx7872 were</p> <p>10 premarked Exhibit 11 for</p> <p>11 Identification, as of this date;</p> <p>12 Grace Bank Account Statements --</p> <p>13 Orange Bank & Trust Account No.</p> <p>14 xx9220 were premarked Exhibit 12 for</p> <p>15 Identification, as of this date;</p> <p>16 J. Cervini Bank Account Statements --</p> <p>17 KeyBank Account No. xx1319 were</p> <p>18 premarked Exhibit 13 for</p> <p>19 Identification, as of this date;</p> <p>20 J. Cervini Bank Account Statements --</p> <p>21 KeyBank Account No. xx4406 were</p> <p>22 premarked Exhibit 14 for</p> <p>23 Identification, as of this date;</p> <p>24 J. Cervini Joint Bank Account</p> <p>25 Statements -- KeyBank Account No.</p>
<p>6</p> <p>1 John Raymond Cervini 6</p> <p>2 (Whereupon, Bankruptcy Petition</p> <p>3 was premarked Exhibit 1 for</p> <p>4 Identification, as of this date;</p> <p>5 Grace 2018 Tax Return was premarked</p> <p>6 Exhibit 2 for Identification, as of</p> <p>7 this date; Grace 2019 Tax Return was</p> <p>8 premarked Exhibit 3 for</p> <p>9 Identification, as of this date;</p> <p>10 Grace 2020 Tax Return was premarked</p> <p>11 Exhibit 4 for Identification, as of</p> <p>12 this date, Grace 2021 Tax Return was</p> <p>13 premarked Exhibit 5 for</p> <p>14 Identification, as of this date;</p> <p>15 Grace 2018 Financial Statement was</p> <p>16 premarked Exhibit 6 for</p> <p>17 Identification, as of this date;</p> <p>18 Grace Operating Agreement was</p> <p>19 premarked Exhibit 7 for</p> <p>20 Identification, as of this date;</p> <p>21 Grace Bank Account Statements --</p> <p>22 KeyBank 2018 were premarked Exhibit 8</p> <p>23 for Identification, as of this date;</p> <p>24 Grace Bank Account Statements --</p> <p>25 KeyBank Account No. xx0494 were</p>	<p>8</p> <p>1 John Raymond Cervini 8</p> <p>2 xx7431 were premarked Exhibit 15 for</p> <p>3 Identification, as of this date;</p> <p>4 J. Cervini 2020 Tax Return was</p> <p>5 premarked Exhibit 16 for</p> <p>6 Identification, as of this date;</p> <p>7 J. Cervini 2021 Tax Return was</p> <p>8 premarked Exhibit 17 for</p> <p>9 Identification, as of this date;</p> <p>10 J. Cervini 2022 Tax Return was</p> <p>11 premarked Exhibit 18 for</p> <p>12 Identification, as of this date;</p> <p>13 200 E. Erie LLC Operating Agreement</p> <p>14 was premarked Exhibit 19 for</p> <p>15 Identification, as of this date;</p> <p>16 200 E. Erie LLC Amendment to</p> <p>17 Operating Agreement was premarked</p> <p>18 Exhibit 20 for Identification, as of</p> <p>19 this date; 200 E. Erie LLC 2022 Tax</p> <p>20 Return was premarked Exhibit 21 for</p> <p>21 Identification, as of this date;</p> <p>22 200 E. Erie LLC 2023 Tax Return was</p> <p>23 premarked Exhibit 22 for</p> <p>24 Identification, as of this date;</p> <p>25 Deed to 200 E. Erie St. was premarked</p>

<p>9</p> <p>1 John Raymond Cervini 9</p> <p>2 Exhibit 23 for Identification, as of</p> <p>3 this date; 200 E. Erie St. Closing</p> <p>4 Statement was premarked Exhibit 24</p> <p>5 for Identification, as of this date;</p> <p>6 1003 Myrtle Estates LLC Articles of</p> <p>7 Organization was premarked Exhibit 25</p> <p>8 for Identification, as of this date;</p> <p>9 1003 Myrtle Estates LLC Operating</p> <p>10 Agreement was premarked Exhibit 26</p> <p>11 for Identification, as of this date;</p> <p>12 1003 Myrtle Estates LLC Bank Account</p> <p>13 Statements -- KeyBank Account No.</p> <p>14 xx9466 were premarked Exhibit 27 for</p> <p>15 Identification, as of this date;</p> <p>16 1003 Myrtle Estates LLC 2023 General</p> <p>17 Ledger was premarked Exhibit 28 for</p> <p>18 Identification, as of this date;</p> <p>19 1003 Myrtle Estates LLC 2024 Balance</p> <p>20 Sheet was premarked Exhibit 29 for</p> <p>21 Identification, as of this date;</p> <p>22 1003 Myrtle Vacant Land Contract was</p> <p>23 premarked Exhibit 30 for</p> <p>24 Identification, as of this date;</p> <p>25 Grace Florida Operating Agreement</p>	<p>11</p> <p>1 John Raymond Cervini 11</p> <p>2 Grace Bank Account Statements --</p> <p>3 Signature Account No. xx6622 were</p> <p>4 premarked Exhibit 39 for</p> <p>5 Identification, as of this date;</p> <p>6 Grace Bank Account Statements --</p> <p>7 Salisbury Account No. xx0235 were</p> <p>8 premarked Exhibit 40 for</p> <p>9 Identification, as of this date;</p> <p>10 Grace Bank Account Statements --</p> <p>11 Orange Bank & Trust Account No.</p> <p>12 xx2173 were premarked Exhibit 41 for</p> <p>13 Identification, as of this date;</p> <p>14 2022 Grace Tax Return (Ex.1(B) to</p> <p>15 Sub V Plan) was premarked Exhibit 42</p> <p>16 for Identification, as of this date;</p> <p>17 205 Rose Road Appraisal (Ex.1(A) to</p> <p>18 Sub V Plan) was premarked Exhibit 43</p> <p>19 for Identification, as of this date;</p> <p>20 J. Cervini Bank Account Statements --</p> <p>21 Orange Bank & Trust Account No.</p> <p>22 xx2144 was premarked Exhibit 44 for</p> <p>23 Identification, as of this date;</p> <p>24 J. Cervini Bank Account Statements --</p> <p>25 Orange Bank & Trust Account No.</p>
<p>10</p> <p>1 John Raymond Cervini 10</p> <p>2 was premarked Exhibit 31 for</p> <p>3 Identification, as of this date;</p> <p>4 Grace Florida Bank Statement -- City</p> <p>5 National Account No. xx1444 was</p> <p>6 premarked Exhibit 32 for</p> <p>7 Identification, as of this date;</p> <p>8 Grace Florida Bank Statement -- City</p> <p>9 National Account No. xx2704 was</p> <p>10 premarked Exhibit 33 for</p> <p>11 Identification, as of this date;</p> <p>12 9/29/20 Summary Judgment Decision</p> <p>13 was premarked Exhibit 34 for</p> <p>14 Identification, as of this date;</p> <p>15 RC Real Estate Development LLC 2021</p> <p>16 Tax Return was premarked Exhibit 35</p> <p>17 for Identification, as of this date;</p> <p>18 205 Rose Road Deed was premarked</p> <p>19 Exhibit 36 for Identification, as of</p> <p>20 this date; 205 Rose Road Mortgage</p> <p>21 was premarked Exhibit 37 for</p> <p>22 Identification, as of this date;</p> <p>23 205 Rose Road Homeowner's Policy was</p> <p>24 premarked Exhibit 38 for</p> <p>25 Identification, as of this date;</p>	<p>12</p> <p>1 John Raymond Cervini 12</p> <p>2 xx8273 were premarked Exhibit 45 for</p> <p>3 Identification, as of this date;</p> <p>4 Closing Statement for Newark Property</p> <p>5 was premarked Exhibit 46 for</p> <p>6 Identification, as of this date;</p> <p>7 Closing Statement for 1003 Myrtle</p> <p>8 (Ex.1(C) to Sub V Plan) was premarked</p> <p>9 Exhibit 47 for Identification, as of</p> <p>10 this date; Market Analysis for 200 E.</p> <p>11 Erie St. (Ex.1(D) to Sub V Plan) was</p> <p>12 premarked Exhibit 48 for</p> <p>13 Identification, as of this date;</p> <p>14 Analysis for 226 Isabella (Ex. 1(E)</p> <p>15 to Sub V Plan) was premarked Exhibit</p> <p>16 49 for Identification, as of this</p> <p>17 date; and Subchapter V Plan without</p> <p>18 exhibits was premarked Exhibit 50 for</p> <p>19 Identification, as of this date.)</p> <p>20 THE COURT REPORTER: Mr. Cervini,</p> <p>21 please raise your right hand.</p> <p>22 Do you swear that the testimony</p> <p>23 you are about to give will be the</p> <p>24 truth, the whole truth, and nothing</p> <p>25 but the truth, so help you God?</p>

<p style="text-align: right;">13</p> <p>1 John Raymond Cervini 13</p> <p>2 THE WITNESS: I do.</p> <p>3 JOHN RAYMOND CERVINI,</p> <p>4 the Debtor herein, stating his</p> <p>5 address as 205 Rose Road, West</p> <p>6 Nyack, New York 10994, having been</p> <p>7 first duly sworn by a Notary Public</p> <p>8 of the State of New York, upon</p> <p>9 being examined, testified as</p> <p>10 follows:</p> <p>11 EXAMINATION BY</p> <p>12 MR. BELOWICH:</p> <p>13 Q Good morning.</p> <p>14 A Good morning.</p> <p>15 Q As you know, my name is Brian</p> <p>16 Belowich. I am an attorney with the firm of</p> <p>17 Lachtman Cohen & Belowich. I represent Thomas</p> <p>18 Bertussi and Louis Bertussi.</p> <p>19 I am going to be asking you some</p> <p>20 questions today about your bankruptcy petition</p> <p>21 and the bankruptcy proceeding in general.</p> <p>22 We premarked 50 exhibits. I sent</p> <p>23 them to your attorneys and you have two binders</p> <p>24 in front of you with the exhibits. I also have</p> <p>25 them up on the TV screen mirroring my computer.</p>	<p style="text-align: right;">15</p> <p>1 John Raymond Cervini 15</p> <p>2 page 6 of 57, there is a signature line John</p> <p>3 Raymond Cervini and an electronic signature above</p> <p>4 it.</p> <p>5 Did you electronically sign this?</p> <p>6 It's up on the screen as well.</p> <p>7 A Yes.</p> <p>8 Q I'm going to turn to page 12 of 57.</p> <p>9 Did you electronically sign that as</p> <p>10 well?</p> <p>11 A Yes, sir.</p> <p>12 MR. BELOWICH: Jeff Reich,</p> <p>13 R-E-I-C-H, just walked in, and he is</p> <p>14 co-counsel for Bertussi's.</p> <p>15 Q Did you read this petition before you</p> <p>16 signed it?</p> <p>17 A Yes.</p> <p>18 Q You declared under penalty of perjury</p> <p>19 that all of the information in this petition is</p> <p>20 true and correct.</p> <p>21 Is that right?</p> <p>22 A To the best of my knowledge.</p> <p>23 Q Is all of the information in this</p> <p>24 petition true and correct?</p> <p>25 A To the best of my knowledge, yes.</p>
<p style="text-align: right;">14</p> <p>1 John Raymond Cervini 14</p> <p>2 There is a lot of paper and a lot of</p> <p>3 back and forth, so whatever you're more</p> <p>4 comfortable with. If you want to look at the</p> <p>5 paper or you want to look at the screen, that's</p> <p>6 up to you.</p> <p>7 A I will try the screen because it's</p> <p>8 faster because you're going to click and go.</p> <p>9 Q It should move things more quicker.</p> <p>10 If we need the document, we can break</p> <p>11 it up. You have it in front of you.</p> <p>12 A Perfect.</p> <p>13 Q Ready?</p> <p>14 A Ready to go.</p> <p>15 Q Why did you file for bankruptcy?</p> <p>16 A I filed for bankruptcy because I</p> <p>17 didn't have the money to pay for a judgment.</p> <p>18 Q Any other reasons?</p> <p>19 A Not that I'm aware of.</p> <p>20 Q You have up on the screen and in the</p> <p>21 binder in front of you as Exhibit 1 a copy of the</p> <p>22 bankruptcy petition filed by your attorneys.</p> <p>23 Do you recognize it?</p> <p>24 A Yes.</p> <p>25 Q If you turn to the sixth page, it's</p>	<p style="text-align: right;">16</p> <p>1 John Raymond Cervini 16</p> <p>2 Q Is there anything in here that's</p> <p>3 incorrect to the best of your knowledge?</p> <p>4 A Not that I'm aware of.</p> <p>5 Q Is there anything in here that's</p> <p>6 incomplete to the best of your knowledge?</p> <p>7 A Not that I'm aware of.</p> <p>8 Q This petition is based on your 2022</p> <p>9 tax return.</p> <p>10 Correct?</p> <p>11 A I think so.</p> <p>12 Q Have you filed tax returns for 2023?</p> <p>13 A No.</p> <p>14 Q Why not?</p> <p>15 A It was on extension and they weren't</p> <p>16 prepared.</p> <p>17 Q When do you plan on filing tax returns</p> <p>18 for 2023, if at all?</p> <p>19 A I'm going to have to speak to --</p> <p>20 MS. CURLEY: I just filed your</p> <p>21 2023 tax returns. I think he's</p> <p>22 working on them. I'm sorry.</p> <p>23 A I have to ask my accountant. I know</p> <p>24 he was working on my wife's and working on mine.</p> <p>25 Q So at this point you don't know if</p>

17

1 John Raymond Cervini 17

2 you have filed 2023 tax returns?

3 A As of where I stand today, no, I don't

4 think we filed.

5 Q Take a look at Page 18 of 57,

6 paragraph 19.

7 A I will just look there.

8 Q It lists certain entities that you

9 have an ownership interest in?

10 A Yes, sir.

11 Q Is that a complete list?

12 A Yes.

13 Q Was it complete when you filed your

14 petition for bankruptcy?

15 A Yes.

16 Q You have a 100 percent interest in

17 Grace Contracting and Development LLC.

18 Correct?

19 A Yes.

20 Q And you're the managing member of that

21 entity?

22 A Yes.

23 Q I'm going to call that entity "Grace"

24 from now on.

25 Is that okay?

18

1 John Raymond Cervini 18

2 A Fine.

3 Q Has Grace filed 2023 tax returns?

4 A I don't remember as I sit here right

5 now.

6 Q Have you seen tax returns for 2023?

7 A I think we filed -- I don't remember.

8 Q Do you remember which state or states

9 you filed for for Grace for 2023?

10 A If I filed, it would have been New

11 York.

12 Q Any other states?

13 A I don't know if we filed a Jersey

14 return. I don't know. I'm not sure. I don't

15 think we do.

16 Q Has Grace ever filed a return in the

17 State of New Jersey?

18 A I have to speak to my accountant. I

19 don't remember.

20 Q Has Grace ever filed a return in the

21 State of Pennsylvania?

22 A I think we registered there to do

23 business there a long time ago, but I don't know

24 if we ever filed a return. We never did business

25 there. I don't know if they make you file like a

19

1 John Raymond Cervini 19

2 zero? I'm not positive.

3 Q Do you know if Grace ever filed a

4 return in any state other than New York?

5 A Not that I'm aware of at this moment.

6 Q But Grace has a 27.875 percent

7 ownership interest in 1003 Myrtle Estates LLC.

8 Correct?

9 A Yes, sir.

10 Q You're a managing member of 1003

11 Myrtle Estates LLC?

12 A Yes.

13 Q Has that entity filed a 2023 tax

14 return?

15 A Yes.

16 Q When?

17 A Recently I think.

18 MR. BELOWICH: I'm going to,

19 Julie, I will follow up the

20 deposition with a letter asking for

21 documents.

22 Q And I will call for the production of

23 all 2023 tax returns whether it's for you

24 personally or for an entity in which you have an

25 ownership interest.

20

1 John Raymond Cervini 20

2 A Sure. No problem.

3 (REQUEST) _____

4 Q You have a 75 percent ownership

5 interest in 200 East Erie LLC.

6 Correct?

7 A Yes, sir.

8 Q You're the managing member of that

9 entity?

10 A I am.

11 Q Has 200 East Erie LLC filed a 2023

12 tax return?

13 A I think we have to.

14 Q And you have a 100 percent ownership

15 interest in RC Real Estate Development LLC.

16 Is that correct?

17 A Yes.

18 Q And you're the managing member of that

19 entity?

20 A Yes.

21 Q Has RC Real Estate Development LLC

22 filed tax returns for 2023?

23 A I don't recall as I sit here. But if

24 we did, we can provide it.

25 Q You said this was a complete list of

<p style="text-align: right;">21</p> <p>1 John Raymond Cervini 21</p> <p>2 entities in which you had an ownership interest</p> <p>3 at the time the petition was filed?</p> <p>4 A Yes.</p> <p>5 Q Have you become an owner or obtained</p> <p>6 an ownership interest in any entity other than</p> <p>7 what is listed here since the time that bankruptcy</p> <p>8 petition was filed?</p> <p>9 A Opened up another account called</p> <p>10 Grace Contracting Development of Florida.</p> <p>11 Q When did you open that company?</p> <p>12 A I don't have, I don't remember the</p> <p>13 exact date we did the filing of the LLC.</p> <p>14 Q You filed it after you filed for</p> <p>15 bankruptcy?</p> <p>16 A I think so.</p> <p>17 Q Why?</p> <p>18 A Why? Because from doing business in</p> <p>19 Florida and insurance reasons it was better to</p> <p>20 keep things separate from my insurance broker.</p> <p>21 The insurance rates are different</p> <p>22 from New York, Workers' Comp and Florida Workers'</p> <p>23 Comp and liability, so he just felt that it would</p> <p>24 be smart to commingle insurance stuff so I said</p> <p>25 okay, it's simple enough.</p>	<p style="text-align: right;">23</p> <p>1 John Raymond Cervini 23</p> <p>2 a signature above the line John Cervini.</p> <p>3 Is that your signature?</p> <p>4 A Yes.</p> <p>5 Q Did you sign this document on or</p> <p>6 about April 24, 2024, which is the date of the</p> <p>7 agreement?</p> <p>8 A Yes.</p> <p>9 Q That's less than a month before you</p> <p>10 filed for bankruptcy.</p> <p>11 Correct?</p> <p>12 A If you say so. I don't know the date</p> <p>13 we filed exactly but roughly around that. I think</p> <p>14 about a month or a few days plus or minus.</p> <p>15 Q Has Grace Florida filed a tax return</p> <p>16 for 2023?</p> <p>17 A It wasn't open in 2023.</p> <p>18 Q I'm sorry.</p> <p>19 A You can't file a tax return.</p> <p>20 Q Fair enough.</p> <p>21 You said your address is 205 Rose</p> <p>22 Road.</p> <p>23 Correct?</p> <p>24 A My home address?</p> <p>25 Q Yes.</p>
<p style="text-align: right;">22</p> <p>1 John Raymond Cervini 22</p> <p>2 Q When did that take place?</p> <p>3 A What did?</p> <p>4 Q The conversation that you just talked</p> <p>5 about.</p> <p>6 A I don't remember.</p> <p>7 Q You don't remember when the entity</p> <p>8 was formed?</p> <p>9 A No.</p> <p>10 Q But you remember that it was formed</p> <p>11 after you filed for bankruptcy.</p> <p>12 A I think it was. It might have been</p> <p>13 formed and used before. I don't remember.</p> <p>14 Q Let's look at Exhibit 31. It's in</p> <p>15 the binder, it's up on the screen. Whatever works</p> <p>16 for you, Mr. Cervini.</p> <p>17 A Okay.</p> <p>18 Q Do you recognize this document?</p> <p>19 A Yes.</p> <p>20 Q What is it?</p> <p>21 A Operating agreement for GCDFL.</p> <p>22 Q By "GCDFL," you're referring to Grace</p> <p>23 Contracting & Developing of Florida LLC?</p> <p>24 A Yes, sir.</p> <p>25 Q If you look at page 7 of 7, there is</p>	<p style="text-align: right;">24</p> <p>1 John Raymond Cervini 24</p> <p>2 A Correct.</p> <p>3 Q That's in West Nyack?</p> <p>4 A Yes.</p> <p>5 Q Who lives there other than you?</p> <p>6 A Myself, my wife, my three children, my</p> <p>7 mother and father.</p> <p>8 Q It's a two-family home?</p> <p>9 A It's a single-family but we live</p> <p>10 downstairs. Upstairs we kind of made it like</p> <p>11 mother-daughter.</p> <p>12 Q What floor do your parents live on?</p> <p>13 A The first floor.</p> <p>14 Q You and your family live on the second</p> <p>15 floor?</p> <p>16 A I'm sorry. It's a walkout basement</p> <p>17 so I say the basement. They live on the first</p> <p>18 floor but technically we are on the first floor</p> <p>19 and they are on the second. But that's, we are</p> <p>20 going to move up top though because we need more</p> <p>21 space with three kids.</p> <p>22 Q That's what happened?</p> <p>23 A They need less space.</p> <p>24 Q When is that happening?</p> <p>25 A What is happening?</p>

<p style="text-align: right;">25</p> <p>1 John Raymond Cervini 25</p> <p>2 Q That you're going to move upstairs.</p> <p>3 A I think in the spring my wife said</p> <p>4 after the holidays she wanted to move.</p> <p>5 Q Is that because your parents have</p> <p>6 moved down to Florida?</p> <p>7 A No, it's just that they are back and</p> <p>8 forth stuff so we need the space. Two girls and</p> <p>9 a boy, they need their separate rooms, they need</p> <p>10 space, for us to have privacy.</p> <p>11 Q Who owns the house at 205 Rose Road,</p> <p>12 the property I should say?</p> <p>13 A The deed is in my wife and my name.</p> <p>14 The mortgage is in my father and my wife's name.</p> <p>15 Q What is the value of that property,</p> <p>16 if you know?</p> <p>17 A We provided in the petition. I don't</p> <p>18 recall at this moment.</p> <p>19 Q You don't know off the top of your</p> <p>20 head what the value of your home is?</p> <p>21 A It's in the petition. I think it was</p> <p>22 six-something?</p> <p>23 Q Let's look at the petition, page 15</p> <p>24 of 57.</p> <p>25 It says the current value of 205 Rose</p>	<p style="text-align: right;">27</p> <p>1 John Raymond Cervini 27</p> <p>2 this appraisal?</p> <p>3 A I did.</p> <p>4 Q When?</p> <p>5 A I don't recall the date I asked.</p> <p>6 Q It's dated as of March 14, 2024.</p> <p>7 Would it have been before then?</p> <p>8 A I would imagine so, yes, a couple of</p> <p>9 days before.</p> <p>10 Q What did you ask him to do?</p> <p>11 A Can you prepare an appraisal for my</p> <p>12 house.</p> <p>13 He knew what I was dealing with and I</p> <p>14 needed it to give to you guys.</p> <p>15 Q Did you ask him that by phone, in</p> <p>16 person or an email, something else?</p> <p>17 A I think I called him.</p> <p>18 Q Did he come to 205 Rose Road to</p> <p>19 inspect the house before he prepared an appraisal?</p> <p>20 A Yes.</p> <p>21 Q When did he do that?</p> <p>22 A I think on or about that date I would</p> <p>23 imagine.</p> <p>24 Q That's a picture of your house on the</p> <p>25 front?</p>
<p style="text-align: right;">26</p> <p>1 John Raymond Cervini 26</p> <p>2 Road is \$680,000.</p> <p>3 Do you see that?</p> <p>4 A Yes, sir.</p> <p>5 Q Is that in fact the value of 205 Rose</p> <p>6 Road?</p> <p>7 A To my knowledge on the appraisal.</p> <p>8 Q What appraisal are you referring to?</p> <p>9 A We provided an appraiser to you,</p> <p>10 appraisal of the property.</p> <p>11 Q Let me show you Exhibit 43.</p> <p>12 Do you recognize that document?</p> <p>13 A Yes, sir.</p> <p>14 Q What is that?</p> <p>15 A An appraisal of 205 Rose Road.</p> <p>16 Q Is that the appraisal you were just</p> <p>17 referring to?</p> <p>18 A Yes, sir.</p> <p>19 Q Who prepared this appraisal?</p> <p>20 A I don't know the name. I think his</p> <p>21 name is on the bottom if you scroll down. The</p> <p>22 gentleman right there, Barry.</p> <p>23 Q Barry Laulich, L-A-U-L-I-C-H-T?</p> <p>24 A I think it's Laulich.</p> <p>25 Q Who asked Mr. Laulich to prepare</p>	<p style="text-align: right;">28</p> <p>1 John Raymond Cervini 28</p> <p>2 A Yes, sir.</p> <p>3 Q Did he go inside the house?</p> <p>4 A I think so. I wasn't there. He met</p> <p>5 my wife.</p> <p>6 Q You didn't talk to him at the time he</p> <p>7 prepared the appraisal?</p> <p>8 A No. I requested it and she was</p> <p>9 working from home.</p> <p>10 Q You don't know if he went in the</p> <p>11 house.</p> <p>12 A I think he did.</p> <p>13 Is there pictures inside?</p> <p>14 Q Let's look at it. You tell me.</p> <p>15 Are there any pictures inside this</p> <p>16 appraisal or in this appraisal of the inside of</p> <p>17 your house?</p> <p>18 A That's the outside, that's the back</p> <p>19 street, those are other properties. Comps, comps,</p> <p>20 that's aerial view of it. I don't see interior</p> <p>21 pictures.</p> <p>22 Q You think if he took interior pictures</p> <p>23 they'd be in the appraisal?</p> <p>24 A I would think so.</p> <p>25 Q And you don't know as you sit here if</p>

<p style="text-align: right;">29</p> <p>1 John Raymond Cervini 29</p> <p>2 he took any interior pictures or if he was even</p> <p>3 on the inside of the house.</p> <p>4 A I was not home.</p> <p>5 Q If you look at the second page of the</p> <p>6 appraisal where it asks for description of the</p> <p>7 current property, it says kitchen updated, time</p> <p>8 frame unknown; bathrooms updated, time frame</p> <p>9 unknown.</p> <p>10 Do you see that?</p> <p>11 A Yes.</p> <p>12 Q Was the kitchen in 205 Rose Road</p> <p>13 updated at some point?</p> <p>14 A Years ago.</p> <p>15 Q When?</p> <p>16 A When we bought it.</p> <p>17 Q When who bought it?</p> <p>18 A When my father and wife bought it, my</p> <p>19 wife when we bought the house, she and my dad is</p> <p>20 on the mortgage.</p> <p>21 Q Well, when who bought, let me ask you</p> <p>22 this:</p> <p>23 Do you recall as you sit here when</p> <p>24 updates were done to the kitchen?</p> <p>25 A When we bought it. I think it was</p>	<p style="text-align: right;">31</p> <p>1 John Raymond Cervini 31</p> <p>2 A Yes.</p> <p>3 Q If you look at the second page of the</p> <p>4 deed, it is dated February 21, 2019.</p> <p>5 Correct?</p> <p>6 A Yes.</p> <p>7 Q Who is Nina Hernandez?</p> <p>8 A My sister-in-law.</p> <p>9 Q At one point 205 Rose Road was owned</p> <p>10 by your wife Stacey, Nina Hernandez, and Robert</p> <p>11 Cervini.</p> <p>12 Correct?</p> <p>13 A Yes.</p> <p>14 Q Why?</p> <p>15 A What?</p> <p>16 Q Why was the ownership done that way?</p> <p>17 A They, I couldn't get the mortgage</p> <p>18 because I had a rental property at the time. So</p> <p>19 they helped me get the mortgage, my wife get the</p> <p>20 mortgage. They signed as co-borrowers.</p> <p>21 Q When was that?</p> <p>22 A February 20, 2019.</p> <p>23 Q My question is a little bit different.</p> <p>24 At some point the deed to the title</p> <p>25 or deed to the property was in the name of</p>
<p style="text-align: right;">30</p> <p>1 John Raymond Cervini 30</p> <p>2 2015 we bought it.</p> <p>3 Q When you say "we," who are you</p> <p>4 referring to?</p> <p>5 A Me and my wife, my parents.</p> <p>6 Q Did you buy the house with your</p> <p>7 parents?</p> <p>8 A No, my father is on the mortgage so I</p> <p>9 said we buy it with him.</p> <p>10 Q Well, you and Stacey --</p> <p>11 A Are on the deed.</p> <p>12 Q Are on the deed?</p> <p>13 A So by law we own the house.</p> <p>14 Q When did you and Stacey acquire title</p> <p>15 to the property? When did you become, get your</p> <p>16 name on the deed?</p> <p>17 A I think we bought the house 2014,</p> <p>18 2015, somewhere in that range? I don't remember</p> <p>19 exactly.</p> <p>20 Q Let me show you what's premarked as</p> <p>21 Exhibit 36. This is a recorded copy of the deed</p> <p>22 to your house.</p> <p>23 A Okay.</p> <p>24 Q And you can look at it in the binder</p> <p>25 if you want, but have you ever seen this before?</p>	<p style="text-align: right;">32</p> <p>1 John Raymond Cervini 32</p> <p>2 Stacey, Robert Cervini and Nina Hernandez.</p> <p>3 Correct?</p> <p>4 A Um-hm.</p> <p>5 Q Right?</p> <p>6 A Yes.</p> <p>7 Q Do you know why that is?</p> <p>8 A I just told you why.</p> <p>9 Q Because you have a mortgage?</p> <p>10 A Yes.</p> <p>11 Q At some point in February of 2019,</p> <p>12 the three of them, Stacey, Nina and Robert Cervini</p> <p>13 transferred title to you and Stacey.</p> <p>14 Correct?</p> <p>15 A Yeah. We refinanced and got them off.</p> <p>16 And there was just my dad and my wife and then me</p> <p>17 and my wife were on the deed.</p> <p>18 Q So that's what this deed shows?</p> <p>19 A Yes, sir.</p> <p>20 Q That you and your wife are on the deed</p> <p>21 as of February 21, 2019.</p> <p>22 A Correct.</p> <p>23 We did a refinance and they were</p> <p>24 removed because they were buying another house.</p> <p>25 Q Did you pay Robert or Nina any money</p>

<p style="text-align: right;">33</p> <p>1 John Raymond Cervini 33</p> <p>2 to get your name on the deed, or did you just</p> <p>3 transfer the title from their name to yours?</p> <p>4 A No, the refinance did it. They were</p> <p>5 removed as of the refinance. No money was</p> <p>6 exchanged.</p> <p>7 Q Do you know the amount of money that</p> <p>8 was taken out as part of the refinance, if any?</p> <p>9 A I do not recall exactly.</p> <p>10 Q Looking at Exhibit 1 which is your</p> <p>11 bankruptcy petition, page 23 of 57 indicates that</p> <p>12 there is a balance due on a mortgage on 205 Rose</p> <p>13 Road in the amount of \$447,700.</p> <p>14 Do you see that?</p> <p>15 A That's, it says collateral above it.</p> <p>16 So that's the value of the mortgage?</p> <p>17 Q Column A.</p> <p>18 A Yes.</p> <p>19 Q Do you know what that \$447,700 is</p> <p>20 referring to?</p> <p>21 A The open balance on the mortgage.</p> <p>22 Q What mortgage?</p> <p>23 A With Home Bridge Financial.</p> <p>24 Q That's a mortgage on 205 Rose Road?</p> <p>25 A Um-hm.</p>	<p style="text-align: right;">35</p> <p>1 John Raymond Cervini 35</p> <p>2 Is that correct?</p> <p>3 A (No response)</p> <p>4 Q On Page 13 -- I'm sorry. Your father</p> <p>5 signed that document on page 13 of 26?</p> <p>6 A That looks like his signature.</p> <p>7 Q Can you tell me why your father and</p> <p>8 Stacey Cervini signed it instead of you?</p> <p>9 A They were on the mortgage.</p> <p>10 Q Why?</p> <p>11 A Why what?</p> <p>12 Q Why were they on the mortgage instead</p> <p>13 of you?</p> <p>14 A Because I had another property.</p> <p>15 Q Did you receive any portion of the</p> <p>16 proceeds of the loan for that was taken out on</p> <p>17 205 Rose Road?</p> <p>18 A Did I receive -- I'm not sure if it</p> <p>19 went into my wife's account. I think.</p> <p>20 Q It went into your wife's account?</p> <p>21 A I think so.</p> <p>22 Q Does she have her own separate bank</p> <p>23 account?</p> <p>24 A She does.</p> <p>25 Q Why did it go into your wife's</p>
<p style="text-align: right;">34</p> <p>1 John Raymond Cervini 34</p> <p>2 Q Yes?</p> <p>3 A Yes, sir.</p> <p>4 Q Exhibit 37 is a recorded copy of the</p> <p>5 mortgage on 205 Rose Road.</p> <p>6 Do you recognize it?</p> <p>7 A I think so. I think I have seen this</p> <p>8 before.</p> <p>9 Q If you look at page 4 of 26, do you</p> <p>10 recognize the signature above the line John</p> <p>11 Cervini?</p> <p>12 A Yes.</p> <p>13 Q Is that your signature?</p> <p>14 A No. Above my signature is my wife's.</p> <p>15 Q Do you recognize the signature above</p> <p>16 the name John Cervini?</p> <p>17 A Yes. That's my signature.</p> <p>18 Q And your wife's signature is above it?</p> <p>19 A Yes, sir.</p> <p>20 Q You and your wife signed this document</p> <p>21 on January 13, 2020?</p> <p>22 A Yes.</p> <p>23 Q Looking at Exhibit C to this document,</p> <p>24 consolidated note in the amount of \$447,000, you</p> <p>25 signed that document.</p>	<p style="text-align: right;">36</p> <p>1 John Raymond Cervini 36</p> <p>2 account?</p> <p>3 A She is the borrower. Can't go into</p> <p>4 my account. That would be fraud.</p> <p>5 Q What did your wife do with those</p> <p>6 proceeds, if you know?</p> <p>7 A I think paid off some debt, I think</p> <p>8 we did some repairs on the home.</p> <p>9 Q What kind of repairs?</p> <p>10 A I think we finished the siding and</p> <p>11 stuff like that on the house, some other stuff,</p> <p>12 garage doors.</p> <p>13 Q Have you in the past five years done</p> <p>14 any work on the house?</p> <p>15 A Yes.</p> <p>16 Q What type of work?</p> <p>17 A Different work on the house. Siding,</p> <p>18 some roofing, landscaping.</p> <p>19 Q Anything on the interior?</p> <p>20 A I think the interior was pretty much</p> <p>21 done.</p> <p>22 Q When?</p> <p>23 A When we bought the house.</p> <p>24 Q In 2019?</p> <p>25 A Before that I think. Yeah.</p>

<p style="text-align: right;">37</p> <p>1 John Raymond Cervini 37</p> <p>2 Q So you haven't done any interior</p> <p>3 renovation since 2019, is that your testimony?</p> <p>4 A I don't recall exactly all the dates</p> <p>5 when we renovated everything. It's been a long</p> <p>6 process. Little by little we did it over the</p> <p>7 years. Some stuff we left undone, some stuff we</p> <p>8 do as we can.</p> <p>9 Q Let me show you what's been marked as</p> <p>10 Exhibit 38. This is a copy of a homeowner policy</p> <p>11 for 205 Rose Road.</p> <p>12 Have you ever seen this before?</p> <p>13 A Yes.</p> <p>14 Q Can you tell me why Eugene Cervini is</p> <p>15 named as an insured on this policy and you are</p> <p>16 not?</p> <p>17 A He's on the mortgage.</p> <p>18 Q Any other reason?</p> <p>19 A I think that's the way they have to</p> <p>20 do the document. I don't know. I'm not an</p> <p>21 insurance expert.</p> <p>22 Q If you look at the first page, it</p> <p>23 says that the amount of coverage for the dwelling</p> <p>24 for the house is \$900,000.</p> <p>25 Do you see that?</p>	<p style="text-align: right;">39</p> <p>1 John Raymond Cervini 39</p> <p>2 Correct?</p> <p>3 A I am.</p> <p>4 Q You were at one point a 50 percent</p> <p>5 owner.</p> <p>6 Is that right?</p> <p>7 A Yes.</p> <p>8 Q Thomas Caleca and Andrew Brown own the</p> <p>9 other 50 percent?</p> <p>10 A Yes.</p> <p>11 Q Caleca has been your best friend since</p> <p>12 high school?</p> <p>13 A Yes.</p> <p>14 Q Caleca and Brown became owners of</p> <p>15 Grace in 2018.</p> <p>16 Right?</p> <p>17 A I think so.</p> <p>18 Q I show you what's been premarked as</p> <p>19 Exhibit 2. It's a tax return for Grace</p> <p>20 Contracting.</p> <p>21 Do you recognize it?</p> <p>22 A Yes.</p> <p>23 Q If you look through the tax return,</p> <p>24 can you tell me if this tax return was filed to</p> <p>25 the best of your knowledge?</p>
<p style="text-align: right;">38</p> <p>1 John Raymond Cervini 38</p> <p>2 A I see that.</p> <p>3 Q Do you know why coverage is in that</p> <p>4 amount as opposed to a lower amount or a higher</p> <p>5 amount?</p> <p>6 A No. That's what the insurance people</p> <p>7 set it at. Whatever they thought it would be.</p> <p>8 Q Is that based on the value of the</p> <p>9 dwelling?</p> <p>10 A I don't know how they base it. That</p> <p>11 would be a question for Plymouth Rock. I didn't</p> <p>12 tell them to base it on everything. They came</p> <p>13 and looked at the property I think and they based</p> <p>14 it on that.</p> <p>15 Q Well, Stacey and your father are</p> <p>16 paying for \$900,000 of coverage for the property.</p> <p>17 Right?</p> <p>18 A It looks like that.</p> <p>19 Q Do you know why they would pay for</p> <p>20 \$900,000 of coverage if the property or the house</p> <p>21 is only worth 680,000?</p> <p>22 A I'm not sure. It's what the insurance</p> <p>23 company set the limit at.</p> <p>24 Q You said you're a 100 hundred percent</p> <p>25 owner of Grace Contracting.</p>	<p style="text-align: right;">40</p> <p>1 John Raymond Cervini 40</p> <p>2 A To the best of my knowledge, yes.</p> <p>3 Q Is all of the information in this tax</p> <p>4 return true and correct to the best of your</p> <p>5 knowledge?</p> <p>6 A Yes.</p> <p>7 Q Has this return been amended or</p> <p>8 corrected?</p> <p>9 A Not to my knowledge.</p> <p>10 Q If you look at page 9 of 18, it's</p> <p>11 Form 1125-E, there are three individuals listed;</p> <p>12 you, Andrew Brown and Thomas Caleca.</p> <p>13 Do you see that?</p> <p>14 A Yes.</p> <p>15 Q Why are those three individuals</p> <p>16 listed?</p> <p>17 A They were owners.</p> <p>18 Q In 2018, Andrew Brown and Thomas</p> <p>19 Caleca were owners of Grace?</p> <p>20 A The latter part of the year they</p> <p>21 became owners.</p> <p>22 Q That's reflected in the 2018 tax</p> <p>23 return.</p> <p>24 Correct?</p> <p>25 A Um-hm.</p>

<p style="text-align: right;">41</p> <p>1 John Raymond Cervini 41</p> <p>2 Q Yes?</p> <p>3 A Yes.</p> <p>4 Q So Thomas Caleca was a 25 percent</p> <p>5 owner, Andrew Brown was a 25 percent owner, and</p> <p>6 you were 50 percent owner in 2018?</p> <p>7 A Yes.</p> <p>8 Q How did that come about that Brown</p> <p>9 and Caleca became 25 percent owners each?</p> <p>10 A I needed some additional help with</p> <p>11 the company.</p> <p>12 Q What does that mean, financial help?</p> <p>13 A It was a multiple of different</p> <p>14 things. Some financial, some operating, some</p> <p>15 streamlining.</p> <p>16 They had different backgrounds so I</p> <p>17 thought it would be a good thing, and we wanted</p> <p>18 to get into development and they were into real</p> <p>19 estate, so I thought that it was a smart idea to</p> <p>20 partner up with them.</p> <p>21 Q When was that that you partnered up</p> <p>22 with them?</p> <p>23 A The latter part of the, I think the</p> <p>24 end of third quarter, fourth quarter of 2018.</p> <p>25 Q Did Caleca and Brown contribute any</p>	<p style="text-align: right;">43</p> <p>1 John Raymond Cervini 43</p> <p>2 A No.</p> <p>3 Q Let me finish the question.</p> <p>4 Do you have any written agreement</p> <p>5 with Caleca or Brown either with respect to the</p> <p>6 loans or with respect to them becoming owners of</p> <p>7 Grace?</p> <p>8 A No.</p> <p>9 Q Did you have a verbal agreement?</p> <p>10 A Yeah. I mean, they were getting</p> <p>11 25 percent each.</p> <p>12 Q And what were they going to get in</p> <p>13 exchange or give in exchange?</p> <p>14 A Proceeds on profits if we can make</p> <p>15 the business profitable and they would be able to</p> <p>16 split their pro rata shares.</p> <p>17 Q Is that reflected in writing anywhere?</p> <p>18 A No. I am godfather to two of his</p> <p>19 kids, he is godfather to my son. I don't need</p> <p>20 anything in writing with him.</p> <p>21 Q You're referring to Caleca?</p> <p>22 A Yes.</p> <p>23 Q So you trust him?</p> <p>24 A Yes. Explicitly.</p> <p>25 Q So you said Caleca and Brown were</p>
<p style="text-align: right;">42</p> <p>1 John Raymond Cervini 42</p> <p>2 capital or any money to Grace in order to acquire</p> <p>3 ownership interest?</p> <p>4 A No, they didn't give any capital. I</p> <p>5 think that they maybe did some loans to the</p> <p>6 business.</p> <p>7 Q Just to be clear, prior to 2018, you</p> <p>8 were the 100 percent owner of Grace.</p> <p>9 Right?</p> <p>10 A Yes, sir.</p> <p>11 Q So you were the 100 percent owner</p> <p>12 prior to 2018, and then in 2018 Caleca and Brown</p> <p>13 each acquired 25 percent of the company.</p> <p>14 Correct?</p> <p>15 A Yeah. In the latter part of the</p> <p>16 year.</p> <p>17 Q And they didn't contribute capital,</p> <p>18 they made loans, is that your testimony?</p> <p>19 A Yes. To my understanding. I think</p> <p>20 that is how they got.</p> <p>21 Q What was the total amount of the loans</p> <p>22 that they made to the company?</p> <p>23 A I don't recall.</p> <p>24 Q Did you have any written agreement</p> <p>25 with Caleca or Brown --</p>	<p style="text-align: right;">44</p> <p>1 John Raymond Cervini 44</p> <p>2 owners of Grace in late 2018.</p> <p>3 They are no longer owners?</p> <p>4 A No.</p> <p>5 Q You're the hundred percent owner?</p> <p>6 A Yes, sir.</p> <p>7 Q When did you become the hundred</p> <p>8 percent owner of Grace?</p> <p>9 A I don't remember the exact date.</p> <p>10 Q Was it in 2018?</p> <p>11 A I don't remember.</p> <p>12 Q 2019?</p> <p>13 A Maybe, 2019, 2020, somewhere in</p> <p>14 there.</p> <p>15 Q You don't remember?</p> <p>16 A I don't remember an exact.</p> <p>17 Q How did you become a hundred percent</p> <p>18 owner of Grace again?</p> <p>19 A They said they didn't have the</p> <p>20 bandwidth to continue to help me and they didn't</p> <p>21 have the financial means to help out if we needed</p> <p>22 it. So they just wanted to be paid back the</p> <p>23 loans.</p> <p>24 Once they were paid, they said we are</p> <p>25 good to go. Just go back to you being the owner</p>

<p style="text-align: right;">45</p> <p>1 John Raymond Cervini 45</p> <p>2 and us off the paperwork.</p> <p>3 Q When did that conversation take</p> <p>4 place?</p> <p>5 A I don't remember.</p> <p>6 Q Do you have any documents reflecting</p> <p>7 what you just testified to?</p> <p>8 A No document.</p> <p>9 Q You don't remember when Caleca and</p> <p>10 Brown transferred their ownership interest in</p> <p>11 Grace back to you, do you?</p> <p>12 A No. I can't remember the date.</p> <p>13 Q I will show you what's been premarked</p> <p>14 as Exhibit 3.</p> <p>15 Do you recognize this document?</p> <p>16 A Yes.</p> <p>17 Q What is it?</p> <p>18 A Tax return.</p> <p>19 Q For Grace?</p> <p>20 A Yes.</p> <p>21 Q For 2019.</p> <p>22 A Yes, sir.</p> <p>23 Q Was this tax return filed to the best</p> <p>24 of your knowledge?</p> <p>25 A Yes.</p>	<p style="text-align: right;">47</p> <p>1 John Raymond Cervini 47</p> <p>2 Correct?</p> <p>3 A No.</p> <p>4 Q So that's what makes you believe that</p> <p>5 they transferred their ownership interest to you</p> <p>6 back in 2019?</p> <p>7 A Yes.</p> <p>8 Q Is there anything else that would</p> <p>9 reflect the transfer of their ownership interests</p> <p>10 to you in 2019 besides the tax return?</p> <p>11 A No.</p> <p>12 Q Would it be fair to say that you</p> <p>13 transferred 50 percent of your ownership interest</p> <p>14 in Grace to Caleca and Brown in 2018 and they</p> <p>15 transferred that interest back to you in 2019?</p> <p>16 A Yes.</p> <p>17 Q You said that Caleca and Brown were</p> <p>18 going to make certain loans to Grace.</p> <p>19 Correct?</p> <p>20 A Yes.</p> <p>21 Q Did they make those loans?</p> <p>22 A I think so.</p> <p>23 Q When?</p> <p>24 A Between 2018, 2019.</p> <p>25 Q Are you guessing or you know that?</p>
<p style="text-align: right;">46</p> <p>1 John Raymond Cervini 46</p> <p>2 Q Is everything in this tax return true</p> <p>3 and correct to the best of your knowledge?</p> <p>4 A To the best of my knowledge, yes.</p> <p>5 Q Has this return been amended?</p> <p>6 A Not to my knowledge.</p> <p>7 Q If you look at page 10 of 24, Form</p> <p>8 1125-E, you are listed as the 100 percent owner</p> <p>9 of Grace Contracting.</p> <p>10 Correct?</p> <p>11 A Yes.</p> <p>12 Q So in your 2018 tax return for Grace,</p> <p>13 you had a 50 percent ownership interest, and in</p> <p>14 your 2019 tax return you had a 100 percent</p> <p>15 interest.</p> <p>16 Correct?</p> <p>17 A Yes.</p> <p>18 Q So does that help you recall when you</p> <p>19 transferred -- strike that.</p> <p>20 Does that help you recall when you</p> <p>21 became a hundred percent owner of Grace again?</p> <p>22 A I guess sometime in 2019.</p> <p>23 Q Was it in 2019 or 2018?</p> <p>24 A 2019.</p> <p>25 Q They are not listed as owners in 2019.</p>	<p style="text-align: right;">48</p> <p>1 John Raymond Cervini 48</p> <p>2 A To the best of my knowledge. I don't</p> <p>3 have the bank statement, I don't have the ledgers</p> <p>4 to look at right now.</p> <p>5 Q Let me show you Exhibit 8.</p> <p>6 Do you recognize Exhibit 8?</p> <p>7 A Looks like a bank statement from</p> <p>8 KeyBank for Grace Contracting.</p> <p>9 Q There is a statement or these are</p> <p>10 statements for the period of April 2018 to August</p> <p>11 2018.</p> <p>12 Looking at the first page on the very</p> <p>13 bottom, April 23, 2018, there is a \$70,000 wire</p> <p>14 deposit from Andrew Brown.</p> <p>15 Do you see that?</p> <p>16 A Yes, I do.</p> <p>17 Q What is that for?</p> <p>18 A Loan.</p> <p>19 Q Was Andrew Brown a owner of Grace at</p> <p>20 the time this transfer was made on April 23,</p> <p>21 2018?</p> <p>22 A I don't know if they just lent me</p> <p>23 money to help me out at the time or if we had</p> <p>24 talked about them becoming owners. I think it</p> <p>25 was more later part of the year.</p>

<p style="text-align: right;">49</p> <p>1 John Raymond Cervini 49</p> <p>2 Q Okay. Looking at page 7 of 22,</p> <p>3 sorry, 8 of 22, hold on. It is page 7 of 22,</p> <p>4 May 31st, wire deposit from Andrew Brown,</p> <p>5 \$35,000.</p> <p>6 Do you see that?</p> <p>7 A Yes.</p> <p>8 Q And there is also that same day wire</p> <p>9 deposit from Thomas Caleca for \$35,000.</p> <p>10 Correct?</p> <p>11 A Yes.</p> <p>12 Q What are those payments for?</p> <p>13 A Loans.</p> <p>14 Q Were Caleca and Brown members of Grace</p> <p>15 at the time those loans were made?</p> <p>16 A No. I think it was the latter part of</p> <p>17 the third quarter and fourth quarter.</p> <p>18 Q Looking at page 12 of 22, there are</p> <p>19 wire transfers, two \$100,000 wire transfers from</p> <p>20 Andrew Brown.</p> <p>21 Do you see that?</p> <p>22 A Yes.</p> <p>23 Q What are those payments for?</p> <p>24 A Loans.</p> <p>25 Q ProudLiving is a company owned by</p>	<p style="text-align: right;">51</p> <p>1 John Raymond Cervini 51</p> <p>2 it wasn't, no interest.</p> <p>3 Q And there are no documents reflecting</p> <p>4 when, if ever, you would repay them.</p> <p>5 Correct?</p> <p>6 A No documents.</p> <p>7 Q Were these loans from Caleca and</p> <p>8 Brown reported in Grace's tax returns as loans</p> <p>9 from shareholders?</p> <p>10 A I don't know how they were reported.</p> <p>11 Q Or if they were reported.</p> <p>12 A If they were reported in the tax</p> <p>13 return or in QuickBooks, I'm not sure what the</p> <p>14 accountant did. I review the tax returns, I don't</p> <p>15 prepare them, so --</p> <p>16 Q Okay. So looking at Exhibit 2, that's</p> <p>17 the 2018 tax return.</p> <p>18 You would have looked at this before</p> <p>19 it was filed?</p> <p>20 A What year is this?</p> <p>21 Q 2018.</p> <p>22 A Yes.</p> <p>23 Q If you look at page 6 of 18, line 19,</p> <p>24 can you tell me if loans from shareholders is</p> <p>25 reflected here?</p>
<p style="text-align: right;">50</p> <p>1 John Raymond Cervini 50</p> <p>2 Thomas Caleca.</p> <p>3 Correct?</p> <p>4 A Yes.</p> <p>5 Q He deposited \$200,000 into Grace's</p> <p>6 account through that company on June 19th?</p> <p>7 A Looks to be.</p> <p>8 Q Why?</p> <p>9 A Loans.</p> <p>10 Q Are there any promissory notes or</p> <p>11 other documents showing that Caleca and Brown made</p> <p>12 loans to Grace in 2018?</p> <p>13 A No.</p> <p>14 Q Did Caleca or Brown or any entity</p> <p>15 owned by Caleca or Brown make any wire transfers</p> <p>16 or payments to Grace other than what we just</p> <p>17 looked at in Exhibit 8?</p> <p>18 A Not that I recall.</p> <p>19 Q What were the terms of these loans?</p> <p>20 A It was to be paid back to them and</p> <p>21 then that was it.</p> <p>22 Q Paid back when?</p> <p>23 A As I could.</p> <p>24 Q Was it to be paid back with interest?</p> <p>25 A I don't remember. At the time, no,</p>	<p style="text-align: right;">52</p> <p>1 John Raymond Cervini 52</p> <p>2 A I don't see anything there.</p> <p>3 Q The loans from Caleca and Brown are</p> <p>4 not listed in the 2018 tax return, are they?</p> <p>5 A No.</p> <p>6 Q Why not?</p> <p>7 A I'm not sure.</p> <p>8 Q If you look at page 13 of 18, which</p> <p>9 is Schedule L, it says loans and exchanges,</p> <p>10 beginning of tax year 7099, end of tax year 34704.</p> <p>11 Do you know what loans that's</p> <p>12 referring to?</p> <p>13 A No, I do not.</p> <p>14 Q Are those loans from Caleca and/or</p> <p>15 Brown?</p> <p>16 A I don't recall.</p> <p>17 Q Would it be fair to say the loans</p> <p>18 from Caleca and Brown are not listed on this</p> <p>19 document?</p> <p>20 A Yes.</p> <p>21 Q Why not?</p> <p>22 A Brian, it's 2018. Six years ago. I</p> <p>23 don't remember.</p> <p>24 Q I'm going to show you what's been</p> <p>25 premarked as Exhibit 6.</p>

53

1 John Raymond Cervini 53
2 Do you recognize this document?
3 A Yes.
4 Q What is it?
5 A Financial statement for Grace
6 Contracting in 2018.
7 Q Who prepared this document?
8 A My accountant.
9 Q Bill Lauro?
10 A I think he was the one at the time.
11 Q Is he no longer your accountant?
12 A No.
13 Q Who is your accountant?
14 A Dave O'Brien.
15 Q Is he your personal accountant?
16 A Yes.
17 Q Is he also Grace Contracting's
18 accountant?
19 A Yes.
20 Q When did he become Grace Contracting's
21 accountant?
22 A I don't remember. 2019, 2020, 2021,
23 somewhere in that time frame.
24 Q Why did you switch from Bill Lauro to
25 a new accountant?

54

1 John Raymond Cervini 54
2 A Bill was getting older and I was
3 looking for a different approach from an
4 accountant, better help with the business and
5 different things. Bill was just not that.
6 Q Bill Lauro put together this financial
7 statement marked as Exhibit 6 though.
8 Correct?
9 A Yes.
10 Q Why? What purpose?
11 A We needed financial statement I think.
12 We had done them in the past.
13 Q Right.
14 Why, why did you put together
15 financial statements?
16 A For the business, for work.
17 Q For what purpose, did you need it for
18 bonding or for some other reason?
19 A Yeah, I think for bonding, banking.
20 It's common practice I guess in the construction
21 world for lending as well.
22 Q If you could skim through Exhibit 6.
23 I just went --
24 A I mean, I could look at the --
25 Q We can go through it. Just tell me

55

1 John Raymond Cervini 55
2 if you see any reference to the loans from Caleca
3 and Brown.
4 There is reference on page 6 of 17 to
5 a loan payable \$400,000.
6 Do you know what that is?
7 A I would imagine that's the loan to
8 them.
9 Q Well, I don't want you to imagine.
10 If you know.
11 A I didn't prepare it. But to what I'm
12 looking at, I think that that's what it is.
13 Q They loaned more than \$400,000.
14 Correct?
15 A They had loaned, I think I saw before
16 there seventy and seventy and then two hundred and
17 two hundred.
18 Q Right. They loaned 470,000.
19 A I know that this other was paid back
20 before this was prepared and that was just the
21 two hundred was open at the time. I don't know.
22 Q So as you sit here, you don't know
23 what this loan payable is.
24 A I know that it's to at least Caleca
25 and Brown for two hundred apiece, total

56

1 John Raymond Cervini 56
2 four hundred.
3 Q If you look further up on the page,
4 loans and exchanges, the loans from Caleca and
5 Brown are not listed there, are they?
6 A I don't think they are in that
7 number.
8 Q I'm going to show you what's been
9 marked as Exhibit 50.
10 This is a --
11 THE WITNESS: Brian, about ten
12 minutes take a break to go to the
13 bathroom?
14 MR. BELOWICH: Sure.
15 Q This is a copy of the subchapter plan,
16 Subchapter V plan that was filed in the bankruptcy
17 proceeding.
18 Have you seen it before?
19 A Yes.
20 Q Did you read it before it was filed?
21 A Yes, sir.
22 Q Is all the information in that
23 document true and correct to the best of your
24 knowledge?
25 A To the best of my knowledge.

<p style="text-align: right;">57</p> <p>1 John Raymond Cervini 57</p> <p>2 Q I want to show you page 9. It says</p> <p>3 in part most of Grace Contracting contracts</p> <p>4 require Grace Contracting to have bonding with a</p> <p>5 surety company. Grace Contracting's bonding with</p> <p>6 a surety company is based on the debtor's</p> <p>7 financial history as well as the debtor's</p> <p>8 historical operational abilities.</p> <p>9 Do you see that?</p> <p>10 A Yes.</p> <p>11 Q Do you know what that means?</p> <p>12 A It means what it says. I know what</p> <p>13 that means.</p> <p>14 Q What does it mean?</p> <p>15 A That we need to have bonding to</p> <p>16 operate our business as a part of it from the</p> <p>17 surety company.</p> <p>18 Q In order to get bonding, Grace needs</p> <p>19 to have financial --</p> <p>20 A Statements, tax returns, bank</p> <p>21 statements.</p> <p>22 Q Let me ask you this:</p> <p>23 What documents does Grace provide to</p> <p>24 its bonding companies in order to obtain bonding?</p> <p>25 A What I just said; bank statements,</p>	<p style="text-align: right;">59</p> <p>1 John Raymond Cervini 59</p> <p>2 Q You have alleged in your petition that</p> <p>3 the value of Grace is zero.</p> <p>4 Right?</p> <p>5 A Yes.</p> <p>6 Q Is the value of Grace zero?</p> <p>7 A In the accounting world there is more</p> <p>8 debt than there is money, so yes.</p> <p>9 Q So when you go to a surety and you</p> <p>10 try and obtain bonding, do you tell the bonding</p> <p>11 company that the value of Grace is zero?</p> <p>12 A The financial statement is provided</p> <p>13 to them. They review it and the accountant has</p> <p>14 responded to any questions they might have. What</p> <p>15 is on there is the information. I don't know</p> <p>16 what you want me to say.</p> <p>17 Q Well, is the value -- when you go and</p> <p>18 try and find bonding for a surety, do you provide</p> <p>19 documents showing that the value of Grace is</p> <p>20 zero, or do you show individual documents showing</p> <p>21 that the value of Grace is something more than</p> <p>22 zero?</p> <p>23 A There is cash basis, there is accrual.</p> <p>24 Q What do you provide?</p> <p>25 A When you provide documents it could</p>
<p style="text-align: right;">58</p> <p>1 John Raymond Cervini 58</p> <p>2 financial statement, tax returns.</p> <p>3 Q Anything else?</p> <p>4 A I don't recall.</p> <p>5 Q What kind of financial statement, like</p> <p>6 the one I showed you, Exhibit 6?</p> <p>7 A Sure.</p> <p>8 Q Any others? QuickBooks reports?</p> <p>9 A Maybe. If they ask for something in</p> <p>10 turn.</p> <p>11 Q Why do you give them these documents?</p> <p>12 A To who, the bonding company?</p> <p>13 Q Yes.</p> <p>14 A Because they want to know what you're</p> <p>15 doing and how you're doing on each job.</p> <p>16 Q They want to make sure that you have</p> <p>17 a strong financial footing, is that fair to say?</p> <p>18 A They want to make sure that your</p> <p>19 projects are being managed fairly and everybody</p> <p>20 is getting paid, yes.</p> <p>21 Q So you give them those documents so</p> <p>22 you can show them that Grace is operating and</p> <p>23 they are on strong financial footing.</p> <p>24 Correct?</p> <p>25 A Yes.</p>	<p style="text-align: right;">60</p> <p>1 John Raymond Cervini 60</p> <p>2 be on a cash basis. It goes by different debt,</p> <p>3 different value, different equity, liabilities.</p> <p>4 So there is long-term debt, short-term debt. So</p> <p>5 they grade it all in different ways.</p> <p>6 Q How would I determine sitting here</p> <p>7 what the value of Grace is, what would I look at?</p> <p>8 A The cash and the liabilities.</p> <p>9 Q I'm just going to make a statement</p> <p>10 for the record.</p> <p>11 We entered into a Consent Order where</p> <p>12 your attorney was supposed to provide a number of</p> <p>13 documents, including Grace's financials, financial</p> <p>14 statements, general ledgers, P&L statement,</p> <p>15 balance sheet, cash flow reports, ANR reports for</p> <p>16 the past five years. We didn't get them.</p> <p>17 We sent a letter on September 10th.</p> <p>18 We didn't get a response.</p> <p>19 We sent a letter on September 23rd.</p> <p>20 We didn't get a response.</p> <p>21 We are not able to determine the</p> <p>22 value of Grace because you didn't provide those</p> <p>23 documents to your attorney.</p> <p>24 Why not?</p> <p>25 A We provided days of information.</p>

<p style="text-align: right;">61</p> <p>1 John Raymond Cervini 61</p> <p>2 Q You provided bank statements and tax</p> <p>3 returns.</p> <p>4 Correct?</p> <p>5 A Hundreds of documents.</p> <p>6 Q Mr. Cervini, did you provide</p> <p>7 QuickBooks reports to your attorney to provide to</p> <p>8 me?</p> <p>9 A Whatever was requested, my office</p> <p>10 worked on it and provided it. If there is</p> <p>11 something missing, I will be glad to get you</p> <p>12 more.</p> <p>13 Q Good.</p> <p>14 A I'm not here to argue.</p> <p>15 Q Good.</p> <p>16 A I thought we did a lot of work though.</p> <p>17 You put -- my office manager would like to kill me</p> <p>18 so --</p> <p>19 Q Mr. Cervini, the question is not</p> <p>20 whether you did a lot of work. I can appreciate</p> <p>21 that you did a lot of work. You provided some</p> <p>22 tax returns and some bank statements and other</p> <p>23 documents.</p> <p>24 You didn't provide financials, and</p> <p>25 those are documents that were supposed to have</p>	<p style="text-align: right;">63</p> <p>1 John Raymond Cervini 63</p> <p>2 (REQUEST) _____</p> <p>3 Q But in the meantime, you testified</p> <p>4 that Caleca and Brown made loans to Grace.</p> <p>5 Did Grace repay those loans or any</p> <p>6 portion of those loans?</p> <p>7 A Yes.</p> <p>8 Q Did Grace repay them, did you repay</p> <p>9 them, or did someone else repay them?</p> <p>10 A Grace did I think.</p> <p>11 Q What makes you think that?</p> <p>12 A Just what I recall at the moment.</p> <p>13 Q And do you recall when Grace made</p> <p>14 payments first to Caleca or Brown for repayment</p> <p>15 of those loans?</p> <p>16 A I don't.</p> <p>17 MR. BELOWICH: You want to take a</p> <p>18 break, bathroom break? You needed a</p> <p>19 break.</p> <p>20 THE WITNESS: Yeah. That's fine.</p> <p>21 (Whereupon, a brief recess was</p> <p>22 taken.)</p> <p>23 Q Mr. Cervini, I'm showing you what's</p> <p>24 been premarked as Exhibit 14.</p> <p>25 Do you recognize this document?</p>
<p style="text-align: right;">62</p> <p>1 John Raymond Cervini 62</p> <p>2 been provided by Court Order. And so there is a</p> <p>3 question why you didn't provide those financials.</p> <p>4 Forget about everything that you did provide.</p> <p>5 A Ask the question?</p> <p>6 Q Why didn't you provide financials to</p> <p>7 be produced?</p> <p>8 MS. CURLEY: Brian, I think he</p> <p>9 answered that he did provide</p> <p>10 financials to me.</p> <p>11 I'm just checking the link was</p> <p>12 sent to you. I do have financials.</p> <p>13 A Yes. I provided, I mean, a</p> <p>14 mountainful of information.</p> <p>15 Q Okay. Well, that mountain as far as</p> <p>16 I know did not include financials.</p> <p>17 A I apologize.</p> <p>18 MS. CURLEY: It's not for you to</p> <p>19 apologize, it's for me to apologize,</p> <p>20 because it was voluminous.</p> <p>21 A It's a lot of stuff.</p> <p>22 Q All right. I mean, obviously we are</p> <p>23 going to keep your deposition open and ask you</p> <p>24 questions about those financials when they are</p> <p>25 provided.</p>	<p style="text-align: right;">64</p> <p>1 John Raymond Cervini 64</p> <p>2 A Yes.</p> <p>3 Q What is it?</p> <p>4 A Looks like a bank statement.</p> <p>5 Q It's a bank statement for your</p> <p>6 personal account at KeyBank ending in 4406.</p> <p>7 Correct?</p> <p>8 A Yes.</p> <p>9 Q If you look at page 23 of 92, it's</p> <p>10 the October 2020 statement. There is an entry on</p> <p>11 September 29th wire withdrawal Thomas Caleca</p> <p>12 \$35,000.</p> <p>13 Do you see that?</p> <p>14 A Okay.</p> <p>15 Q Yes?</p> <p>16 A Yes.</p> <p>17 Q This is your personal account.</p> <p>18 Correct?</p> <p>19 A Yes.</p> <p>20 Q Can you tell me why you wire</p> <p>21 transferred \$35,000 to Thomas Caleca on</p> <p>22 September 29, 2020?</p> <p>23 A I'm not sure exactly sitting here.</p> <p>24 Maybe it was for repayment of the loan or</p> <p>25 something he lent me.</p>

<p style="text-align: right;">65</p> <p>1 John Raymond Cervini 65</p> <p>2 Q Do you know or are you guessing?</p> <p>3 A I don't recall exactly.</p> <p>4 Q Had you or Grace made any payments to</p> <p>5 Thomas Caleca ever before September 29, 2020?</p> <p>6 A I think so.</p> <p>7 Q When do you think that you first made</p> <p>8 payments to him?</p> <p>9 A I don't know if exactly we made</p> <p>10 payments. I know that he was doing some work at</p> <p>11 his house so Grace was going to do work at his</p> <p>12 house to repay some of the loan that way.</p> <p>13 Q When did that happen?</p> <p>14 A I think through that period of time</p> <p>15 from 2018 to 2020.</p> <p>16 Q What work did Grace do?</p> <p>17 A We did his extension of his house's</p> <p>18 laundry room and some of his backyard.</p> <p>19 Q What was the total cost of that work?</p> <p>20 A I think we did work in another rental</p> <p>21 property he had.</p> <p>22 Q What was the total cost of the work</p> <p>23 that you did at Caleca's house?</p> <p>24 A I think it was between the two</p> <p>25 properties like \$300,000.</p>	<p style="text-align: right;">67</p> <p>1 John Raymond Cervini 67</p> <p>2 A Yes, sir.</p> <p>3 Q That's the same day that Judge</p> <p>4 Eisenpress issued a ruling on the summary judgment</p> <p>5 motion.</p> <p>6 Correct?</p> <p>7 A I guess if that's the document. I</p> <p>8 don't know the date.</p> <p>9 Q Here is Exhibit 34. This is a copy</p> <p>10 of the decision order on the motion for summary</p> <p>11 judgment entered on September 29, 2020.</p> <p>12 Correct?</p> <p>13 A Yes.</p> <p>14 Q Did you see this document on or about</p> <p>15 September 29, 2020?</p> <p>16 A I think so.</p> <p>17 Q And that same day you wire transferred</p> <p>18 \$35,000 to Thomas Caleca.</p> <p>19 Right?</p> <p>20 A Yes.</p> <p>21 Q Why?</p> <p>22 A I think it was to repay a portion of</p> <p>23 the loan to my understanding.</p> <p>24 Q You don't recall ever having made any</p> <p>25 sort of payment to him prior to this date, do you?</p>
<p style="text-align: right;">66</p> <p>1 John Raymond Cervini 66</p> <p>2 Q Do you have any documents reflecting</p> <p>3 the total costs of the labor and materials that</p> <p>4 were used for Caleca's house?</p> <p>5 A I don't remember.</p> <p>6 Q Did you or Grace other than doing</p> <p>7 work at Caleca's house, make any wire transfers</p> <p>8 or other payments to Caleca prior to September 29,</p> <p>9 2020?</p> <p>10 A I don't remember. I know we were</p> <p>11 making some payments, monthly payments. I don't</p> <p>12 remember when they started to do them.</p> <p>13 Q Do you recall that September 29, 2020</p> <p>14 is a day after Judge Eisenpress issued a ruling</p> <p>15 on the summary judgment motions in the state court</p> <p>16 lawsuit?</p> <p>17 A What are we talking about now?</p> <p>18 This --</p> <p>19 Q Let me show you something.</p> <p>20 A Just ask what you're referring to in</p> <p>21 the bank statements. The dates. I'm trying to</p> <p>22 listen to dates.</p> <p>23 Q September 29, 2020. You transferred</p> <p>24 \$35,000 to Caleca.</p> <p>25 Correct?</p>	<p style="text-align: right;">68</p> <p>1 John Raymond Cervini 68</p> <p>2 A Not that I recall.</p> <p>3 Q Did you or Grace make any payments to</p> <p>4 Caleca or Brown after September 29, 2020?</p> <p>5 A There were payments throughout the</p> <p>6 period of time, yes. I don't remember all the</p> <p>7 numbers and dates.</p> <p>8 Q We will go through them.</p> <p>9 A Okay.</p> <p>10 Q This is Exhibit 10. These are bank</p> <p>11 statements that were produced by your attorney</p> <p>12 for Grace account ending 3480 at Signature Bank.</p> <p>13 Do you recognize these statements?</p> <p>14 A Yes.</p> <p>15 Q This is a checking account.</p> <p>16 Correct?</p> <p>17 A Yes.</p> <p>18 Q Looking at page 121 of 272, that's</p> <p>19 the October 2020 statement. There is a wire from</p> <p>20 Grace to Thomas Caleca in the amount of \$50,000</p> <p>21 on October 1, 2020.</p> <p>22 Correct?</p> <p>23 A Yes.</p> <p>24 Q You sent this wire three days after</p> <p>25 you wired Caleca \$35,000 from your personal</p>

<p style="text-align: right;">69</p> <p>1 John Raymond Cervini 69</p> <p>2 account?</p> <p>3 A Yes.</p> <p>4 Q Why?</p> <p>5 A I think it was for repayment of the</p> <p>6 loans that they lent us.</p> <p>7 Q Why did you send it from a different</p> <p>8 account?</p> <p>9 A That's where the money was.</p> <p>10 Q So it didn't matter if it was in your</p> <p>11 personal account or Grace's account, that's where</p> <p>12 you would take the money and transfer it to</p> <p>13 Caleca?</p> <p>14 A Yeah. They were owed it, we had to</p> <p>15 pay it.</p> <p>16 Q Who is "we," you or Grace?</p> <p>17 A Grace, me.</p> <p>18 Q Same thing.</p> <p>19 Right?</p> <p>20 A It's my friend.</p> <p>21 Q Did you look at yourself and Grace as</p> <p>22 the same thing when it came to this loan?</p> <p>23 A Well, he is my best friend so I owe it</p> <p>24 to him, the company owes it to him, you know, we</p> <p>25 are, in my opinion. That's the end of the story.</p>	<p style="text-align: right;">71</p> <p>1 John Raymond Cervini 71</p> <p>2 had already repaid \$50,000 and done work on the</p> <p>3 house.</p> <p>4 Correct?</p> <p>5 A What is the date of this?</p> <p>6 Q October of 2020.</p> <p>7 A I think so.</p> <p>8 Q And then do you recall that two weeks</p> <p>9 later on October 16, 2020, you wired Caleca</p> <p>10 another \$300,000?</p> <p>11 A I wired 300,000?</p> <p>12 Q Do you recall that, or no?</p> <p>13 A Three hundred got wired in and then</p> <p>14 yeah, three hundred got wired back out.</p> <p>15 Q What are you referring to?</p> <p>16 A The page before.</p> <p>17 Q You're referring first on October 16th</p> <p>18 \$300,000 outgoing wire to Thomas Caleca. That's</p> <p>19 from Grace to Thomas Caleca from account number</p> <p>20 3480.</p> <p>21 Correct?</p> <p>22 A Yes.</p> <p>23 Q Okay. And that was for repayment of</p> <p>24 a loan?</p> <p>25 A Yes.</p>
<p style="text-align: right;">70</p> <p>1 John Raymond Cervini 70</p> <p>2 Q He and Brown loaned \$470,000.</p> <p>3 Correct?</p> <p>4 A I think they lent four-seventy, then</p> <p>5 we did a bunch of work at his house and that</p> <p>6 number went in the negative, so they lent some</p> <p>7 more money and then we paid them back the balance.</p> <p>8 Q When did they loan more money?</p> <p>9 A I don't know. I think there is, I see</p> <p>10 a 300,000 incoming wire from them.</p> <p>11 Q When did you do, you did the work on</p> <p>12 their house. And then after that did you have</p> <p>13 some sort of written reconciliation showing that</p> <p>14 it was negative as you said?</p> <p>15 A I think the bookkeeper had something.</p> <p>16 Q Who is the bookkeeper?</p> <p>17 A He is no longer with the company.</p> <p>18 Q What is his name?</p> <p>19 A Matt.</p> <p>20 Q Matt what?</p> <p>21 A I forget his last name.</p> <p>22 Q When did he leave the company?</p> <p>23 A Right before Covid or right around</p> <p>24 Covid.</p> <p>25 Q At this point in October of 2020, you</p>	<p style="text-align: right;">72</p> <p>1 John Raymond Cervini 72</p> <p>2 Q And then on October 26th, on page 1</p> <p>3 of the statement, it's 121 out of 272, there is</p> <p>4 an incoming wire from ProudLiving Companies for</p> <p>5 \$300,000. That's Caleca.</p> <p>6 Right?</p> <p>7 A Yes.</p> <p>8 Q So why did Caleca transfer \$300,000</p> <p>9 to you ten days after you transferred \$300,000 to</p> <p>10 him?</p> <p>11 A Because I think what happened is we</p> <p>12 lent him the money, and then we reconciled the</p> <p>13 stuff and said you're upside down here, we need</p> <p>14 to get this straightened out, so they sent it</p> <p>15 back.</p> <p>16 Q That all happened in a 10-day period.</p> <p>17 A Yes.</p> <p>18 Q Is there anything in writing showing</p> <p>19 what you just testified to?</p> <p>20 A No.</p> <p>21 Q So at this point Caleca and Brown had</p> <p>22 been paid in full, the loans had been paid in</p> <p>23 full?</p> <p>24 A At the point of the three -- when you</p> <p>25 say "point," what period? Because we are talking</p>

<p style="text-align: right;">73</p> <p>1 John Raymond Cervini 73</p> <p>2 a lot of periods.</p> <p>3 Q October 26, 2020 when Caleca</p> <p>4 transferred \$300,000 back to Grace, was it because</p> <p>5 the loans had been paid in full at that point?</p> <p>6 A I think it was because Caleca's</p> <p>7 portion of his 25 percent was negative. Brown</p> <p>8 wasn't paid back at that time I think.</p> <p>9 Q And ProudLiving is Brown, not Caleca.</p> <p>10 Right?</p> <p>11 A No, no, it's Caleca.</p> <p>12 Q ProudLiving is Caleca?</p> <p>13 A Well, at the time they owned it</p> <p>14 together, to my understanding. Now just T.J. owns</p> <p>15 it.</p> <p>16 Q Did you or Grace make any payments to</p> <p>17 Caleca or Brown or any entity owned by Caleca or</p> <p>18 Brown after October 26th of 2020?</p> <p>19 A I think we were making some monthly</p> <p>20 payments.</p> <p>21 Q Other than monthly payments, did you</p> <p>22 make any lump sum payments?</p> <p>23 A I don't remember.</p> <p>24 Q If you did, what would you have made</p> <p>25 payments for?</p>	<p style="text-align: right;">75</p> <p>1 John Raymond Cervini 75</p> <p>2 June 4th for repayment of a loan?</p> <p>3 A Yes.</p> <p>4 Q If you look at the same page, deposits</p> <p>5 and credits, June 4th deposit, Internet transfer,</p> <p>6 T.J., 6/4/21, \$125,000.</p> <p>7 Do you see that?</p> <p>8 A Yeah.</p> <p>9 Q What is that?</p> <p>10 A I think that's a deposit that we put</p> <p>11 into the bank because I needed to pay T.J. the</p> <p>12 125,000.</p> <p>13 Q Where did you get the \$125,000?</p> <p>14 A I think I borrowed it from my uncle.</p> <p>15 Q What uncle? What is the name of your</p> <p>16 uncle?</p> <p>17 A Patrick D'Ambrosio.</p> <p>18 Q You think you borrowed \$125,000 from</p> <p>19 your uncle?</p> <p>20 A Yeah. I think that's where.</p> <p>21 Q When did you do that?</p> <p>22 A Right around that time.</p> <p>23 Q Do you have any documents reflecting</p> <p>24 a loan from your uncle?</p> <p>25 A No.</p>
<p style="text-align: right;">74</p> <p>1 John Raymond Cervini 74</p> <p>2 A Whatever balance was open.</p> <p>3 Q Was there an open balance in October</p> <p>4 of 2020?</p> <p>5 A I don't recall.</p> <p>6 Q Let me show you what's been marked as</p> <p>7 Exhibit 11. These are bank statements produced</p> <p>8 by your attorney from Salisbury Bank account</p> <p>9 ending 7872.</p> <p>10 Do you recognize this?</p> <p>11 A Yes.</p> <p>12 Q Are these account statements for Grace</p> <p>13 Salisbury Bank account ending in 7872?</p> <p>14 A Yes.</p> <p>15 Q It's a checking account?</p> <p>16 A I think it's checking, yes.</p> <p>17 Q If you look at page 6 of 99, there is</p> <p>18 an entry on June 4, 2021, wire transfer to Thomas</p> <p>19 Caleca for \$125,000.</p> <p>20 Do you see that?</p> <p>21 A Yes.</p> <p>22 Q What is that for?</p> <p>23 A I would imagine it's towards</p> <p>24 repayment.</p> <p>25 Q So you paid Thomas Caleca \$125,000 on</p>	<p style="text-align: right;">76</p> <p>1 John Raymond Cervini 76</p> <p>2 Q Have you repaid the loan to your</p> <p>3 uncle?</p> <p>4 A Yes.</p> <p>5 Q When?</p> <p>6 A I don't recall exactly. I think we</p> <p>7 made monthly payments to him for like the next</p> <p>8 three or four months.</p> <p>9 Q Did you or Grace make any other</p> <p>10 payments to Caleca or Brown or any entity owned</p> <p>11 by Caleca or Brown?</p> <p>12 A We made different payments. I don't</p> <p>13 know exactly all the amounts and time frame.</p> <p>14 Q I'm showing you what's been marked as</p> <p>15 Exhibit 9, your bank statements provided by your</p> <p>16 attorney for KeyBank account number ending in</p> <p>17 0494.</p> <p>18 Do you recognize this?</p> <p>19 A Yes.</p> <p>20 Q Is this also a checking account?</p> <p>21 A Yes.</p> <p>22 Q Looking at page 137 out of 270, there</p> <p>23 are wire transfers in the amount of \$1,725.</p> <p>24 Earlier you mentioned some small payments.</p> <p>25 Is that what you were referring to?</p>

77

1 John Raymond Cervini 77
2 A Yes.
3 Q And at this point in time, October of
4 2021, you made monthly payments in the amount of
5 1,725 to Caleca and an entity opened by Brown.
6 Correct?
7 A Yes.
8 Q Why?
9 A Because I was paying them back money
10 that I owed them.
11 Q How did you come up with 1,725 as an
12 amount?
13 A I don't remember. It was thirty-
14 something hundred divided by two.
15 Q Is there any document reflecting an
16 agreement to pay \$3,500 a month to Caleca and
17 Brown to repay the loans?
18 A No. I think he had just asked me
19 what I could afford at the moment with everything
20 going on.
21 Q This entry on October 7th, there is
22 one to Thomas Caleca, there is one to
23 Whistleblower that is owned by --
24 A Andrew Brown.
25 Q Would it be fair to say any payments

78

1 John Raymond Cervini 78
2 to Caleca and Whistleblower are for repayment of
3 a loan?
4 A Yes, sir.
5 Q Did you or Grace make any other
6 payments to Caleca or Brown?
7 A My answer is the same as before. I
8 don't know exactly. I know we made a lot of
9 payments.
10 Q By "we," you're referring to Grace
11 and you.
12 A Yes.
13 Q Why would you personally make payments
14 if it's a loan to Grace?
15 A I don't remember exactly how the
16 accountant set it up, if at some point the loan
17 became a loan, my loan responsibility. I don't
18 remember.
19 Q Well, you made a payment we saw in
20 September of 2020.
21 Right?
22 A Yes.
23 Q Did you personally make any other
24 payments?
25 A Not that I recall.

79

1 John Raymond Cervini 79
2 Q Let me show you Exhibit 45.
3 This is your personal bank statements
4 for Orange Bank and Trust account 8273.
5 Correct?
6 A Yes.
7 Q You opened this account in March of
8 2023.
9 Right?
10 A Yes. I was told by a friend that
11 they are a good bank to work with for contractors,
12 and it might be beneficial to lines of credit,
13 et cetera.
14 Q Looking at page 31 of 42, this is
15 statement ending November 30th. There is an entry
16 on November 7, 2023 for \$50,000 wire to Thomas
17 Caleca.
18 Do you see that?
19 A Yes.
20 Q Did you wire \$50,000 from your
21 personal account to Thomas Caleca on November 30,
22 2023?
23 A Yes.
24 Q Why?
25 A He had called me up and he said bud,

80

1 John Raymond Cervini 80
2 I'm in a jam. I got to take care of some payments
3 but there is overlap when money is coming in on
4 some draws on some real estate stuff he was doing
5 and he needed the money. He said I can get it
6 back to you pretty quickly.
7 And I wired him the fifty, and then
8 two days later he gave me thirty-five of that
9 fifty back and he still owed me fifteen.
10 Q What kind of jam did he say he was
11 in?
12 A I think it was just, you know, in
13 between pay cycles of money coming from
14 construction draws on work he was doing on some
15 of the properties he owned.
16 Q Had Caleca ever been in a jam before
17 to your knowledge?
18 A He's in a jam, yes.
19 Q Had Caleca ever come to you for money
20 before?
21 A Yeah. If I had something at the time
22 and he needed it, we work with each other, we
23 help each other. If I needed something, he would
24 help me.
25 Q So at this point in November of 2023,

<p style="text-align: right;">81</p> <p>1 John Raymond Cervini 81</p> <p>2 he was coming to you for money because he needed</p> <p>3 help.</p> <p>4 Right?</p> <p>5 A Yes.</p> <p>6 Q And you helped him?</p> <p>7 A Yes.</p> <p>8 Q You had enough money to help your</p> <p>9 friend by wiring him \$50,000 in November of</p> <p>10 2023 --</p> <p>11 A Yes.</p> <p>12 Q -- right?</p> <p>13 Four months later you filed for</p> <p>14 bankruptcy?</p> <p>15 A Yes.</p> <p>16 Q What is HJC Realty?</p> <p>17 A TJC Realty?</p> <p>18 Q Right.</p> <p>19 A I think that's Thomas James Caleca</p> <p>20 Realty.</p> <p>21 Q You wire transferred 140,000 to TJC</p> <p>22 Realty.</p> <p>23 Do you recall that?</p> <p>24 A Yes.</p> <p>25 Q Why did you do that?</p>	<p style="text-align: right;">83</p> <p>1 John Raymond Cervini 83</p> <p>2 So they said let's do all our banking</p> <p>3 there. It will be better maybe down the road as</p> <p>4 a global scale to help Grace get a line of</p> <p>5 credit.</p> <p>6 And then I was, talked to a friend of</p> <p>7 mine that said Salisbury Bank is a great community</p> <p>8 bank, they work with contractors, he had a</p> <p>9 \$3 million line of credit there.</p> <p>10 I met with them so I had, they decided</p> <p>11 to give us a line of credit at the time. So I</p> <p>12 went with them and that's why. But I kept an</p> <p>13 account in Signature. I just didn't close them</p> <p>14 all.</p> <p>15 Q Would it be fair to say you</p> <p>16 transferred millions of dollars between the</p> <p>17 various Grace accounts since 2019?</p> <p>18 A I don't know which accounts</p> <p>19 transferred. I mean, at some point Signature,</p> <p>20 really nothing was coming out of it. I think</p> <p>21 it's closed.</p> <p>22 Q Let me show you Exhibit 9. This is</p> <p>23 the KeyBank account 0494 page 65 of 270.</p> <p>24 There is a wire transfer on April 22nd</p> <p>25 from Grace account 49 -- 0494 to Grace account</p>
<p style="text-align: right;">82</p> <p>1 John Raymond Cervini 82</p> <p>2 A I think that was part of the repayment</p> <p>3 of the loan, from Grace I think it came.</p> <p>4 Q Let me show you Exhibit 10. These</p> <p>5 are Signature Bank account bank account statements</p> <p>6 page 230 of 270.</p> <p>7 July 21st there is an outgoing wire</p> <p>8 \$140,000 to TJC Realty LLC. That's from Grace to</p> <p>9 TJC Realty.</p> <p>10 You're saying that's for repayment of</p> <p>11 the loan that Caleca and Brown made to Grace?</p> <p>12 A Yeah. If you go back to the I think</p> <p>13 the 300,000 you saw coming in and then -- I mean</p> <p>14 went out and then came back in, that was a portion</p> <p>15 I think of that. The small payments were bringing</p> <p>16 that number down and that was a large payment.</p> <p>17 Q Since 2019, how many bank accounts has</p> <p>18 Grace had?</p> <p>19 A Salisbury, Key, Orange, Signature.</p> <p>20 Q Why four different banks?</p> <p>21 A Signature was because Andy, I didn't</p> <p>22 want to do this. They, I was a KeyBank guy. I</p> <p>23 wanted to stay there but they had relationships</p> <p>24 with Signature. All their entities were ran out</p> <p>25 of there, they were private clients.</p>	<p style="text-align: right;">84</p> <p>1 John Raymond Cervini 84</p> <p>2 ending in 3480 for the amount of \$125,000.</p> <p>3 Do you see that?</p> <p>4 A Yes.</p> <p>5 Q What is that for?</p> <p>6 A I don't know what 348 Grace account</p> <p>7 is. I think that's the --</p> <p>8 Q That's the Signature account.</p> <p>9 A Signature, yes. So I don't know if</p> <p>10 they were running payroll out of Signature at the</p> <p>11 time. I'm not sure.</p> <p>12 Q You don't know as you sit here why</p> <p>13 you transferred \$125,000 from the account ending</p> <p>14 in 0494 at KeyBank to the account ending in 3480</p> <p>15 at Signature?</p> <p>16 A Not at the exact minute, no.</p> <p>17 Q The same day that you did that, you</p> <p>18 wire transferred \$25,000 to another Grace account</p> <p>19 ending in 6622.</p> <p>20 Correct?</p> <p>21 A Yes.</p> <p>22 Q Why?</p> <p>23 A I don't remember.</p> <p>24 Q Why didn't you transfer \$25,000</p> <p>25 directly from account 0494 to 6622, why go through</p>

<p style="text-align: right;">85</p> <p>1 John Raymond Cervini 85</p> <p>2 another bank?</p> <p>3 A Do you want to know the exact answer?</p> <p>4 It's because my bookkeeper doesn't want to do the</p> <p>5 wires from this bank to there because it's easier</p> <p>6 because you don't have to set up a template.</p> <p>7 And I don't really give a shit, excuse</p> <p>8 my French, to deal with it. So do whatever makes</p> <p>9 sense, as long as the bills are paid.</p> <p>10 Q Do you know why you transferred</p> <p>11 \$25,000 to account 6622?</p> <p>12 A I'm not sure what account 6622 is.</p> <p>13 Q 6622 is, let me show you Exhibit 39.</p> <p>14 These are bank statements that were produced by</p> <p>15 your attorney for Signature Bank.</p> <p>16 I will tell you that statements are</p> <p>17 missing for the period of September 2019 to</p> <p>18 August of 2020. We sent two letters. We didn't</p> <p>19 get responses to either of them. So Exhibit 39</p> <p>20 is missing account statements for about a year.</p> <p>21 Do you know as you sit here if \$25,000</p> <p>22 was in fact wire transferred to 6622, which is</p> <p>23 this Exhibit 39, on April 22, 2020?</p> <p>24 A 6668 is what was on the previous</p> <p>25 document? Is that what you're saying 25,000?</p>	<p style="text-align: right;">87</p> <p>1 John Raymond Cervini 87</p> <p>2 Q MMA, a money market?</p> <p>3 A That might be a savings I don't know.</p> <p>4 Q Let's go back to Exhibit 10. I'm</p> <p>5 going to ask you about some wire transfers.</p> <p>6 Are you with me?</p> <p>7 A Yeah. I just was trying to rack my</p> <p>8 brain to help you.</p> <p>9 Q Thank you. All right.</p> <p>10 Page 72 of 272, January 22nd of 2020,</p> <p>11 sorry, page 73 of 272.</p> <p>12 A What date?</p> <p>13 Q Just give me one second.</p> <p>14 A Okay. Sorry.</p> <p>15 Q Okay. On the top here, January 22nd</p> <p>16 of 2020, page 72 of 272, there is a wire transfer</p> <p>17 in the amount of \$20,000 from account number 6622</p> <p>18 to this account 3840.</p> <p>19 Correct?</p> <p>20 A That looks to be.</p> <p>21 Q You transferred \$20,000 from one</p> <p>22 account to the other?</p> <p>23 A Yeah.</p> <p>24 Q Do you know why?</p> <p>25 A No.</p>
<p style="text-align: right;">86</p> <p>1 John Raymond Cervini 86</p> <p>2 Q My question is --</p> <p>3 A Bank account. Yes.</p> <p>4 Q -- if you look at Exhibit 10, it shows</p> <p>5 on page 88 \$125,000 going in, \$25,000 going out to</p> <p>6 6622?</p> <p>7 A 6622, yes.</p> <p>8 Q I don't have an account statement for</p> <p>9 April of 2020 for 6622 so I'm asking do you know</p> <p>10 if that money was actually transferred into 6622.</p> <p>11 A Yes.</p> <p>12 Q How do you know that, because it says</p> <p>13 it in this account statement?</p> <p>14 A Yes.</p> <p>15 Q Do you know what you did with the</p> <p>16 \$25,000?</p> <p>17 A I don't recall.</p> <p>18 What account is the Signature account</p> <p>19 here, is this a savings? Is it a checking? Does</p> <p>20 it say?</p> <p>21 Q This is account number 6622. This is</p> <p>22 your account so I will ask you the question.</p> <p>23 Do you know what kind of account this</p> <p>24 is?</p> <p>25 A I --</p>	<p style="text-align: right;">88</p> <p>1 John Raymond Cervini 88</p> <p>2 Q If you look at page 77, same Exhibit</p> <p>3 10, you transferred another \$20,000 from account</p> <p>4 6622 to 3840.</p> <p>5 Correct?</p> <p>6 A Yes.</p> <p>7 Q So January, February transferred a</p> <p>8 total of \$40,000 from account 6622 to 3840?</p> <p>9 A Yes.</p> <p>10 Q Why?</p> <p>11 A I don't know. I don't do the</p> <p>12 bookkeeping.</p> <p>13 Q Page 85 of 272, on March 20, 2020 you</p> <p>14 transferred \$40,000 back to account number 6622.</p> <p>15 Can you explain to me why?</p> <p>16 A Payroll? I don't know. I don't know.</p> <p>17 I don't know what accounts we pull from to do</p> <p>18 what.</p> <p>19 Q As you sit here, you don't know why</p> <p>20 you're transferring money from one account back</p> <p>21 to the other one?</p> <p>22 A You also have to understand when you</p> <p>23 use QuickBooks, the money that's in your account</p> <p>24 might not reflect exactly. We don't live in a</p> <p>25 bank statement world, we live in the QuickBooks</p>

<p style="text-align: right;">89</p> <p>1 John Raymond Cervini 89</p> <p>2 world.</p> <p>3 So we could be short on something</p> <p>4 because we paid things out but checks haven't</p> <p>5 cleared. So we might have to move money to make</p> <p>6 sure that whatever writing is sufficient.</p> <p>7 Q Would that be reflected in your</p> <p>8 QuickBooks?</p> <p>9 A What that amount was for?</p> <p>10 Q Yes.</p> <p>11 A I would imagine so.</p> <p>12 Q Would all of these amounts be</p> <p>13 reflected in your QuickBooks?</p> <p>14 A I would imagine so.</p> <p>15 Q Exhibit 10, page 88 of 272, there is</p> <p>16 a transfer incoming wire of \$125,000 from account</p> <p>17 number 6622 to 3840.</p> <p>18 Do you see that?</p> <p>19 A Yes.</p> <p>20 Q Do you know what that transfer was</p> <p>21 for?</p> <p>22 A Money from one account to the other.</p> <p>23 Q You don't know why you transferred</p> <p>24 that amount?</p> <p>25 A No. Like the answer I said before, I</p>	<p style="text-align: right;">91</p> <p>1 John Raymond Cervini 91</p> <p>2 withdrawn at a teller, who would do that?</p> <p>3 A Probably me or her would do a deposit.</p> <p>4 She would send somebody to the bank if she needed</p> <p>5 them.</p> <p>6 Or if we did a, I think we do a lot</p> <p>7 of mobile deposits in the remote capture machine,</p> <p>8 we did back then. Now everything is mobile</p> <p>9 deposit, mostly mobile deposit.</p> <p>10 Q Exhibit 9, page 89 of 270, there is</p> <p>11 an entry on October 9th, wire withdrawal to Grace</p> <p>12 Contracting 3480 for \$750,000.</p> <p>13 Do you see that?</p> <p>14 A Yes.</p> <p>15 Q Did you wire transfer \$750,000 from</p> <p>16 this account at KeyBank 0494 to the account ending</p> <p>17 in 3480?</p> <p>18 A Yes.</p> <p>19 Q Why?</p> <p>20 A The other account that we were</p> <p>21 operating at needed money.</p> <p>22 Q Do you know what the \$750,000 was</p> <p>23 for?</p> <p>24 A Operating. Bills, payroll.</p> <p>25 Q Anything else?</p>
<p style="text-align: right;">90</p> <p>1 John Raymond Cervini 90</p> <p>2 don't live in a bank statement world, it's</p> <p>3 QuickBooks.</p> <p>4 Q Do you recall transferring \$125,000</p> <p>5 back to account number 6622 a month later?</p> <p>6 A Sheila probably transferred it. I</p> <p>7 don't know.</p> <p>8 Q Sheila, who is Sheila?</p> <p>9 A Sheila O'Sullivan.</p> <p>10 Q Sheila O'Sullivan has access to</p> <p>11 Grace's bank accounts?</p> <p>12 A She does my bookkeeping, along with</p> <p>13 my third-party accountant.</p> <p>14 Q So does Sheila O'Sullivan have access</p> <p>15 to Grace's bank accounts?</p> <p>16 A Yes.</p> <p>17 Q Can Sheila O'Sullivan write checks on</p> <p>18 behalf of Grace?</p> <p>19 A She writes checks and then I would</p> <p>20 sign then or stamp them.</p> <p>21 Q Does Sheila O'Sullivan have a debit</p> <p>22 card for Grace?</p> <p>23 A No.</p> <p>24 Q So who from Grace would deposit</p> <p>25 checks, or if there was money to be deposited or</p>	<p style="text-align: right;">92</p> <p>1 John Raymond Cervini 92</p> <p>2 A Not that I recall.</p> <p>3 Q Do you recall as you sit here what you</p> <p>4 used the \$750,000 for?</p> <p>5 A Bills, payroll, expenses.</p> <p>6 Q If you look at Exhibit 10, page 121</p> <p>7 of 172, it shows \$750,000 incoming wire from the</p> <p>8 Grace bank account.</p> <p>9 Correct?</p> <p>10 A Yes, sir.</p> <p>11 Q And then one week later on October 16,</p> <p>12 2020, that's when you transferred \$300,000 to</p> <p>13 Caleca?</p> <p>14 A Yes.</p> <p>15 Q Would it be fair to say you used at</p> <p>16 least a portion of the \$750,000 to pay Caleca?</p> <p>17 A Yes. And then he wired it back on</p> <p>18 the 26th.</p> <p>19 Q Because you had paid him too much.</p> <p>20 A What?</p> <p>21 Q Why did you wire it back?</p> <p>22 A I don't remember. I think it's</p> <p>23 because he needed it at the time and then he gave</p> <p>24 it back?</p> <p>25 Q He needed the money at the time?</p>

<p style="text-align: right;">93</p> <p>1 John Raymond Cervini 93</p> <p>2 That's why he --</p> <p>3 A Yeah.</p> <p>4 Q Let me ask you.</p> <p>5 Why did you send him this \$300,000 on</p> <p>6 October 16th?</p> <p>7 A To my understanding, we had an open</p> <p>8 balance still on the loan, and I think we</p> <p>9 reconciled it as I said earlier in that 10-day</p> <p>10 period and realized that that's not the case and</p> <p>11 he sent it back.</p> <p>12 Q Right.</p> <p>13 And that's on October 26th he received</p> <p>14 the \$300,000 payment from ProudLiving.</p> <p>15 Right?</p> <p>16 A Yes, sir.</p> <p>17 Q Look at Exhibit 10, page 211 of 272,</p> <p>18 there is a transfer on January 10, 2022 in the</p> <p>19 amount of \$1.5 million from account number 3480.</p> <p>20 Do you see that?</p> <p>21 A Yes.</p> <p>22 Q Where did the \$1.5 million come from?</p> <p>23 A The account that's there.</p> <p>24 Q It was transferred from another</p> <p>25 account.</p>	<p style="text-align: right;">95</p> <p>1 John Raymond Cervini 95</p> <p>2 accounts?</p> <p>3 A It depends on what time frame and who</p> <p>4 we were banking with. A lot of it got transferred</p> <p>5 from, first it was Key.</p> <p>6 Then we opened up Signature when Brown</p> <p>7 and Caleca got involved.</p> <p>8 Then I went to Salisbury and most of</p> <p>9 it was handled through Salisbury at that time</p> <p>10 because they had the line of credit, so they want</p> <p>11 to hold most of your deposits when you have a</p> <p>12 line of credit with someone, they want your</p> <p>13 deposits.</p> <p>14 Q Did you ever write checks from any of</p> <p>15 Grace's bank accounts either to Grace or to cash?</p> <p>16 A To Grace's bank?</p> <p>17 Q Grace had a number of bank accounts.</p> <p>18 Right?</p> <p>19 A Yes.</p> <p>20 Q Did you ever write a check from one</p> <p>21 of Grace's bank accounts payable to Grace</p> <p>22 Contracting?</p> <p>23 A Yes, if we were transferring something</p> <p>24 and she needed to write a check from Grace</p> <p>25 Contracting account to another Grace Contracting</p>
<p style="text-align: right;">94</p> <p>1 John Raymond Cervini 94</p> <p>2 Correct?</p> <p>3 A Yes.</p> <p>4 Q Right.</p> <p>5 Where did the \$1.5 million come from,</p> <p>6 how did it get into that first account?</p> <p>7 A I don't know what account it came</p> <p>8 from. I would need to see that account.</p> <p>9 Q Is the \$1.5 million proceeds of any</p> <p>10 EIDL loan?</p> <p>11 A I think so.</p> <p>12 Q And then you transferred the</p> <p>13 \$1.5 million from one account to another.</p> <p>14 Correct?</p> <p>15 A Yes.</p> <p>16 Q Why did you do that?</p> <p>17 A Because I think at the time the SBA</p> <p>18 with the EIDL and the PPP loans, you had to work</p> <p>19 with a bank to do that. And I think it was</p> <p>20 KeyBank that we were working with that did all of</p> <p>21 that for us.</p> <p>22 So I think the money went into the</p> <p>23 KeyBank account and then it got transferred to the</p> <p>24 operation accounts.</p> <p>25 Q Which accounts are the operations</p>	<p style="text-align: right;">96</p> <p>1 John Raymond Cervini 96</p> <p>2 account, we would write a check or a wire. Either</p> <p>3 way.</p> <p>4 Q Who is "she"?</p> <p>5 A Sheila would cut the check.</p> <p>6 Q Why would you do it by check instead</p> <p>7 of wire?</p> <p>8 A Like I told you earlier, some things</p> <p>9 are a pain in the neck. She doesn't like to</p> <p>10 wire. She got defrauded \$113,000 from a school</p> <p>11 district so she's finicky with the wiring stuff</p> <p>12 sometimes. She doesn't like it.</p> <p>13 Q "She" being Sheila.</p> <p>14 A Yes.</p> <p>15 Q Did you ever write checks from any of</p> <p>16 Grace's bank accounts to cash?</p> <p>17 A Cash, no.</p> <p>18 Q Never?</p> <p>19 A No.</p> <p>20 Q Did Sheila to the best of your</p> <p>21 knowledge?</p> <p>22 A To cash?</p> <p>23 Q Right.</p> <p>24 A No. Not to my knowledge.</p> <p>25 MS. CURLEY: Off the record.</p>

<p style="text-align: right;">97</p> <p>1 John Raymond Cervini 97</p> <p>2 (Whereupon, a discussion was</p> <p>3 held off the record.)</p> <p>4 Q Let me show you what has been</p> <p>5 premarked as Exhibit 12. I think we looked at</p> <p>6 this already.</p> <p>7 This is an account statement for</p> <p>8 Orange Bank & Trust for account ending 9220. We</p> <p>9 didn't look at this one yet.</p> <p>10 Do you recognize this document?</p> <p>11 A Yes, sir.</p> <p>12 Q Is this a Grace Contracting, are these</p> <p>13 Grace Contracting account statements?</p> <p>14 A Yes. Checking.</p> <p>15 Q Looking at page 7 of 144. There is</p> <p>16 an entry on May 16, 2023. Says miscellaneous</p> <p>17 debit, \$52,100.</p> <p>18 Do you know what that is?</p> <p>19 A 2023. So if this is 2024, 2023,</p> <p>20 that's last year May.</p> <p>21 I feel like that's a bank check to</p> <p>22 David Dozer for a piece of equipment. I know we</p> <p>23 paid \$50,000 for a piece of equipment. That's</p> <p>24 the only thing -- but I thought that was -- was</p> <p>25 it in May or June?</p>	<p style="text-align: right;">99</p> <p>1 John Raymond Cervini 99</p> <p>2 Q Sure.</p> <p>3 May 16th, \$52,100; May 19th deposit,</p> <p>4 \$52,100.</p> <p>5 Do you see that?</p> <p>6 A Yes.</p> <p>7 Q Do you know why you deposited \$52,100</p> <p>8 into this account three days after you took</p> <p>9 \$52,100 out of this account?</p> <p>10 A I don't remember. Sorry. I</p> <p>11 apologize.</p> <p>12 Q It's okay.</p> <p>13 Look at page 65 of 144. There is an</p> <p>14 entry on December 22nd, miscellaneous debit</p> <p>15 \$9,000.</p> <p>16 Do you see that?</p> <p>17 A Yes.</p> <p>18 Q Do you know what that is?</p> <p>19 A I do not.</p> <p>20 Q If you look at page 67 of 144, there</p> <p>21 is a check in the top left -- sorry, check in</p> <p>22 the -- sorry. Just give me one sec.</p> <p>23 It's page 73. Sorry. Here it is.</p> <p>24 Page 74 of 144. There is a check in the bottom</p> <p>25 left corner number 0000.</p>
<p style="text-align: right;">98</p> <p>1 John Raymond Cervini 98</p> <p>2 I don't remember, Brian. I'm sorry.</p> <p>3 Q That's okay.</p> <p>4 A I'm trying to just help you with</p> <p>5 information.</p> <p>6 Q I don't want you to guess, I want you</p> <p>7 to tell me what you know.</p> <p>8 A I don't know.</p> <p>9 Q Looking at this statement, you don't</p> <p>10 know what the miscellaneous debit for \$52,100 on</p> <p>11 May 16, 2023 is.</p> <p>12 Correct?</p> <p>13 A No. By the way it's written, I think</p> <p>14 maybe it was a bank check because it's mobile</p> <p>15 captured deposit.</p> <p>16 Q You're looking a little bit farther</p> <p>17 down. It says mobile capture deposit three days</p> <p>18 later for \$52,100.</p> <p>19 Do you see that?</p> <p>20 A Yes.</p> <p>21 Q Does that lead you to believe looking</p> <p>22 at this that you took out \$52,100 on May 16th and</p> <p>23 then you deposited that amount on May 19th?</p> <p>24 A Just can you show me where with your</p> <p>25 cursor what you're talking about.</p>	<p style="text-align: right;">100</p> <p>1 John Raymond Cervini 100</p> <p>2 Do you recognize the handwriting on</p> <p>3 that check?</p> <p>4 A Yes.</p> <p>5 Q Whose handwriting is that?</p> <p>6 A I think that's the lady at the bank's.</p> <p>7 Q Which handwriting are you referring</p> <p>8 to?</p> <p>9 A You said the handwriting on the check.</p> <p>10 The signature is mine.</p> <p>11 Q Signature is yours?</p> <p>12 A Handwriting is I think the girl at the</p> <p>13 bank.</p> <p>14 Q So you're saying someone at the bank</p> <p>15 filled out the front of that document made out to</p> <p>16 cash, that check, and you signed it?</p> <p>17 A Yes.</p> <p>18 Q Why?</p> <p>19 A I'm not sure.</p> <p>20 Q And then did you sign the back, the</p> <p>21 endorsement?</p> <p>22 A I don't know.</p> <p>23 Q What did you do with the \$9,000 in</p> <p>24 cash that you took out from Grace's account?</p> <p>25 A Gave my guys Christmas bonuses in</p>

<p style="text-align: right;">101</p> <p>1 John Raymond Cervini 101</p> <p>2 cash.</p> <p>3 Q I thought you said you never wrote</p> <p>4 checks from a Grace account to cash?</p> <p>5 A Not that I recalled.</p> <p>6 Q And now does this help refresh your</p> <p>7 recollection that in fact you did do that?</p> <p>8 A Yeah. So 12/22/23 I know that was</p> <p>9 right before Christmas, three days.</p> <p>10 Q So you took out \$9,000 in cash that</p> <p>11 day?</p> <p>12 A Yes.</p> <p>13 Q And you also took out a thousand</p> <p>14 dollars in cash --</p> <p>15 A Yes.</p> <p>16 Q -- that day.</p> <p>17 Correct?</p> <p>18 A Yes.</p> <p>19 Q Why?</p> <p>20 A I don't know.</p> <p>21 Q Well, why did you break it up into</p> <p>22 9,000 and 1,000?</p> <p>23 A I'm not sure.</p> <p>24 Q You didn't want to write a check to</p> <p>25 cash for \$10,000?</p>	<p style="text-align: right;">103</p> <p>1 John Raymond Cervini 103</p> <p>2 Q Do you have any documents showing</p> <p>3 that you actually gave the cash to someone other</p> <p>4 than yourself?</p> <p>5 A No. Christmas cards? I don't know</p> <p>6 if they are still there. I wrote a note in there</p> <p>7 and my father and I wrote thank you.</p> <p>8 Q It wouldn't say thank you, here is the</p> <p>9 cash.</p> <p>10 Right?</p> <p>11 A No.</p> <p>12 Q Looking at this Exhibit 12, page 121</p> <p>13 of 144, there is reference on May 17, 2024 to an</p> <p>14 Internet transfer to account number ending in</p> <p>15 2173 in the amount of \$40,000.</p> <p>16 Do you see that?</p> <p>17 A Okay.</p> <p>18 Q Yes?</p> <p>19 A Yes.</p> <p>20 Q Did you make that transfer from Grace</p> <p>21 account ending in 9220 to the account ending in</p> <p>22 2173 on or about that date?</p> <p>23 A Yes.</p> <p>24 Q Why?</p> <p>25 A I don't recall.</p>
<p style="text-align: right;">102</p> <p>1 John Raymond Cervini 102</p> <p>2 A I don't recall exactly why it came</p> <p>3 out the same account.</p> <p>4 Q Well, it's the same account. Right?</p> <p>5 Here is page 67 of 144. There is a</p> <p>6 check made out to cash.</p> <p>7 Correct?</p> <p>8 A Yes.</p> <p>9 Q And you signed that?</p> <p>10 A Yes.</p> <p>11 Q And you endorsed the back of it.</p> <p>12 A Correct.</p> <p>13 Q This is December 15, 2023. So</p> <p>14 December 15th you took out a thousand dollars</p> <p>15 cash, and then on December 22nd you took out</p> <p>16 \$9,000 cash.</p> <p>17 Right?</p> <p>18 A Yes.</p> <p>19 Q What was the \$1,000 for?</p> <p>20 A I think it was towards the guys'</p> <p>21 Christmas bonuses.</p> <p>22 Q Why did you take cash out of the Grace</p> <p>23 account to pay the bonuses?</p> <p>24 A Because they are small bonuses. I</p> <p>25 just tried to give them cash for the --</p>	<p style="text-align: right;">104</p> <p>1 John Raymond Cervini 104</p> <p>2 Q I show you what's been marked as</p> <p>3 Exhibit 7.</p> <p>4 Have you ever seen this document</p> <p>5 before?</p> <p>6 A Yes.</p> <p>7 Q What is it?</p> <p>8 A Looks to me like an operating</p> <p>9 agreement for Grace Contracting development.</p> <p>10 Q This is dated June 6, 2020.</p> <p>11 Correct?</p> <p>12 A Yes.</p> <p>13 Q If you look at page 15 of 16, there is</p> <p>14 a signature above the line John Cervini.</p> <p>15 Is that your signature?</p> <p>16 A Yes, sir.</p> <p>17 Q Did you sign this on or about June 26,</p> <p>18 2020?</p> <p>19 A I think so.</p> <p>20 Q Did Grace ever have an operating</p> <p>21 agreement before June 26, 2020?</p> <p>22 A I don't remember.</p> <p>23 Q Can you tell me why an operating</p> <p>24 agreement was prepared at that time in June of</p> <p>25 2020?</p>

105

1 John Raymond Cervini 105

2 A I think we needed an operating

3 agreement to open up the Orange Bank account.

4 Q Who drafted this operating agreement?

5 A I don't know if I had the lawyer do

6 it or we just took one we had found from previous

7 things. I'm not sure.

8 Q At the time that this operating

9 agreement was drafted, you were a hundred percent

10 owner of Grace.

11 Correct?

12 A Yes.

13 Q And you've been a hundred percent

14 member at all times since that time?

15 A Yes.

16 Q You've been managing member at all

17 times since then?

18 A (Nodding)

19 Q Has the operating agreement been

20 amended at any point?

21 A This one?

22 Q Yes.

23 A Not that I recall at the moment

24 sitting here.

25 Q Did Grace ever loan you money?

106

1 John Raymond Cervini 106

2 A Grace ever loan me money, I think so.

3 Q How much?

4 A I don't recall.

5 Q When?

6 A I don't recall.

7 Q I show you what's been premarked as

8 Exhibit 4.

9 Do you recognize this document?

10 A Yes.

11 Q What is it?

12 A Tax return for 2020.

13 Q For Grace.

14 A Yes.

15 Q Was this tax return filed to the best

16 of your knowledge?

17 A Yes, sir.

18 Q Is all of the information in this tax

19 return true and correct to the best of your

20 knowledge?

21 A Yes, sir.

22 Q Has this return been amended?

23 A Not to my knowledge.

24 Q Did Grace loan you any money in 2020?

25 A I don't remember.

107

1 John Raymond Cervini 107

2 Q Page 9 of 55, line 7, loan to

3 shareholders. Beginning of the year there is no

4 loan reflected.

5 Correct?

6 A Yes.

7 Q End of year \$27,320.

8 Do you see that?

9 A Yes.

10 Q Did Grace loan you \$27,320 in 2020?

11 A I guess.

12 Q Do you recall that happening?

13 A I don't know exactly how that number

14 is derived but I would imagine so.

15 Q As you sit here, do you recall having

16 received a loan from Grace in 2020 for \$27,320?

17 A To the best my knowledge this document

18 is correct.

19 So I don't know if I got it in a check

20 or if I got it as I pay the bill for something

21 and I took it as a dividend or draw. I have to

22 ask the accountant. I don't know where he got

23 the \$27,320.

24 Q Well, this said loan to shareholder.

25 Right?

108

1 John Raymond Cervini 108

2 A Yes.

3 Q You were the only shareholder.

4 A Yes.

5 Q I'm asking you -- forget about what

6 the document says.

7 Do you recall receiving a loan in

8 2020 for \$27,320.

9 A Yes.

10 Q You do? When did you receive it?

11 A I don't know.

12 Q Do you have any documents showing that

13 you in fact received that loan?

14 A A loan document?

15 Q Do you have any loan documents?

16 A No.

17 Q Do you have any documents showing that

18 Grace paid you \$27,320 in loans in 2020?

19 A No.

20 Q Did Grace make any loans to you in

21 2021?

22 A Not that I recall. I don't know.

23 Q Let me show you what's been premarked

24 as Exhibit 5.

25 Do you recognize this document?

<p style="text-align: right;">109</p> <p>1 John Raymond Cervini 109</p> <p>2 A Yes.</p> <p>3 Q What is it?</p> <p>4 A Tax return for 2021 for Grace.</p> <p>5 Q Is all the information in this tax</p> <p>6 return true and correct to the best of your</p> <p>7 knowledge?</p> <p>8 A To the best of my knowledge.</p> <p>9 Q Has the return been amended?</p> <p>10 A I do not recall that being the case.</p> <p>11 Q If you look at page 7 of 20, line 7,</p> <p>12 it shows loan to shareholder beginning of the year</p> <p>13 in 2021 \$27,320.</p> <p>14 Do you see that?</p> <p>15 A Yes, sir.</p> <p>16 Q End of the year \$73,395.</p> <p>17 Do you see that?</p> <p>18 A Yes, sir.</p> <p>19 Q Did Grace loan you \$46,075 which is</p> <p>20 the difference between these two numbers in 2021?</p> <p>21 A Seems to be.</p> <p>22 Q Do you recall that having happened?</p> <p>23 A Yes.</p> <p>24 Q What were the terms of the loan?</p> <p>25 A Me to myself.</p>	<p style="text-align: right;">111</p> <p>1 John Raymond Cervini 111</p> <p>2 Q Let me show you what's marked as</p> <p>3 Exhibit 42.</p> <p>4 Do you recognize this document?</p> <p>5 A Yes.</p> <p>6 Q What is it?</p> <p>7 A Grace Contracting 2022 tax return.</p> <p>8 Q Is all of the information in this</p> <p>9 document true and correct to the best of your</p> <p>10 knowledge?</p> <p>11 A Yes, sir.</p> <p>12 Q Was it filed?</p> <p>13 A Yes, sir. To my knowledge.</p> <p>14 Q Has this been amended?</p> <p>15 A Not that I know.</p> <p>16 Q This is the tax return that your</p> <p>17 bankruptcy petition is based on.</p> <p>18 Right?</p> <p>19 A Yes. I think so, yeah.</p> <p>20 Q Look at page 6 of 16, line 7, loan to</p> <p>21 shareholders, beginning of the year \$73,395; end</p> <p>22 of year, \$427,637.</p> <p>23 Do you see that?</p> <p>24 A Yes.</p> <p>25 Q Did Grace loan you 354,242 which is</p>
<p style="text-align: right;">110</p> <p>1 John Raymond Cervini 110</p> <p>2 Q When was it to be repaid?</p> <p>3 A Whenever I can repay it.</p> <p>4 Q What if you couldn't repay it?</p> <p>5 A I have to figure that out with the</p> <p>6 accountant.</p> <p>7 Q What was the timing of when it had to</p> <p>8 be repaid?</p> <p>9 A I never set a timing.</p> <p>10 Q What was the interest rate?</p> <p>11 A I never charged myself.</p> <p>12 Q Is there a promissory note or other</p> <p>13 documents reflecting that you in fact took a loan</p> <p>14 from the company in 2021?</p> <p>15 A It's listed on the tax return.</p> <p>16 Q Anything else?</p> <p>17 A No, sir.</p> <p>18 Q Did Grace loan you any money in 2022?</p> <p>19 A Not that I recall.</p> <p>20 Q You don't recall Grace loaning you any</p> <p>21 money at all in 2022.</p> <p>22 Is that right?</p> <p>23 A I'm not saying it did or didn't. I</p> <p>24 just don't recall right now.</p> <p>25 You want to show me the tax return --</p>	<p style="text-align: right;">112</p> <p>1 John Raymond Cervini 112</p> <p>2 the difference between those two numbers in 2022?</p> <p>3 A I would have to speak to the</p> <p>4 accountant.</p> <p>5 Q You don't remember as you sit here --</p> <p>6 A No.</p> <p>7 Q -- getting a loan for \$354,000?</p> <p>8 A No.</p> <p>9 Q There are no documents reflecting</p> <p>10 that loan other than the tax return we are looking</p> <p>11 at?</p> <p>12 A Yes, sir.</p> <p>13 Q What did you do with the proceeds of</p> <p>14 that loan if it was paid to you?</p> <p>15 A I don't recall receiving that amount</p> <p>16 of money. I don't know if the accountant applied</p> <p>17 it differently.</p> <p>18 Q Have you repaid any portion of that</p> <p>19 loan?</p> <p>20 A This is 2023. I know I had wired</p> <p>21 some money over from the Orange Bank account into</p> <p>22 Grace. I don't know if he properly applied it.</p> <p>23 Q Mr. Cervini, did you make \$427,637 in</p> <p>24 loans to yourself between 2021 and 2023 from</p> <p>25 Grace?</p>

113

1 John Raymond Cervini 113
 2 A I don't, like in physical receive the
 3 money, no, I don't think so.
 4 Q I'm going to show you Exhibit 50.
 5 This is your Subchapter V Plan.
 6 Page 8 there is a box that refers to
 7 line 7. Says loan to shareholder uncollectible,
 8 \$427,637.
 9 Do you see that?
 10 A Yes.
 11 Q What is that referring to?
 12 A The loan to me.
 13 Q And do you know why it's
 14 uncollectible?
 15 A Because I don't have the money at the
 16 moment.
 17 Q Did you ever have the money?
 18 A No.
 19 Q You don't know if the loan was even
 20 made, do you?
 21 A I mean, multiple different loans were
 22 made according to the tax returns.
 23 Q Mr. Cervini, do you recall as you sit
 24 here receiving loans totaling \$427,637?
 25 A I would have to speak to my accountant

114

1 John Raymond Cervini 114
 2 on that one.
 3 Q You don't recall as you sit here?
 4 A I don't recall exactly how he prepared
 5 everything.
 6 Q You're the managing member of Grace.
 7 Right?
 8 A Yes.
 9 Q And you were managing member at the
 10 time these tax returns were filed?
 11 A Yes, sir.
 12 Q Is this \$427,637 in uncollectible
 13 shareholder lines identified anywhere in your
 14 bankruptcy petition?
 15 Take your time. I want you to look
 16 at Exhibit 1 and tell me if you can find it
 17 anywhere.
 18 A Exhibit 1.
 19 (Reviewing)
 20 Q Are we ready?
 21 A Yes.
 22 Q You have, Mr. Cervini, you have
 23 reviewed Exhibit 1.
 24 Right?
 25 A Yes, sir.

115

1 John Raymond Cervini 115
 2 Q Can you tell me if the \$427,637 in
 3 loans to shareholders is referenced anywhere in
 4 your petition?
 5 A I do not see it.
 6 Q Did Grace loan you any money in 2023?
 7 A Not that I recall.
 8 Q What about 2024?
 9 A Not that I recall.
 10 Q You don't recall Grace loaning you
 11 any money in 2020, 2021 or 2022 either, do you?
 12 A I don't. I mean, the company might
 13 have lent me money. I don't remember exactly
 14 what amount, what date, so --
 15 Q You don't have any documents
 16 reflecting that.
 17 A No.
 18 Q Going back to your 2022 tax return
 19 which is Exhibit 42, page 6 of 16, line 6 says
 20 other current assets beginning of the year
 21 \$287,170, end of year \$1,040,957.
 22 Do you see that?
 23 A Yes.
 24 Q Do you know how those numbers were
 25 arrived at?

116

1 John Raymond Cervini 116
 2 A I'm not sure. I would imagine
 3 assets.
 4 Q I don't want you to imagine. I'm
 5 asking if you know.
 6 A I don't know the exact what was
 7 purchased. No, I don't.
 8 Q This line refers to statement number
 9 8, so let's look at statement number 8. That's
 10 page, statement number 8 is on page 15 of 16.
 11 Does this refresh your recollection
 12 at all as to how the end of year \$1,040,957 was
 13 arrived at?
 14 A Yes.
 15 Q How does it refresh your recollection?
 16 A It just shows the amounts.
 17 Q If you look at the first line, loan
 18 receivable, it says beginning of year 12,300; end
 19 of year 908,803.
 20 Do you see that?
 21 A Yes.
 22 Q What loan is that referring to, or
 23 loans?
 24 A It was an assortment of different
 25 loans.

<p style="text-align: right;">117</p> <p>1 John Raymond Cervini 117</p> <p>2 Q To who?</p> <p>3 A I don't recall. It would probably be</p> <p>4 reflected in QuickBooks.</p> <p>5 Q Which we don't have.</p> <p>6 If you look at the loan Real Estate</p> <p>7 LLC for \$25,000, do you see that, I'm sorry,</p> <p>8 \$22,450?</p> <p>9 A Yeah.</p> <p>10 Q What is that?</p> <p>11 A I think that was lent to RC Real</p> <p>12 Estate.</p> <p>13 Q That's an entity that you have an</p> <p>14 interest in?</p> <p>15 A Yes.</p> <p>16 Q That was a loan?</p> <p>17 A It says loan real estate.</p> <p>18 Q I see.</p> <p>19 But I'm asking you, was that a loan</p> <p>20 that was made by Grace to RC Real Estate LLC?</p> <p>21 A The right side then becomes the</p> <p>22 receivable side, so yes. So loan. It was owed</p> <p>23 back to us.</p> <p>24 Q Are there any documents reflecting</p> <p>25 that loan that you're aware of?</p>	<p style="text-align: right;">119</p> <p>1 John Raymond Cervini 119</p> <p>2 and private?</p> <p>3 A There should be.</p> <p>4 Q What documents?</p> <p>5 A Purchase order or contract.</p> <p>6 Q Would that be reflected in QuickBooks</p> <p>7 reports?</p> <p>8 A No, I don't think so.</p> <p>9 Q Would it be reflected in --</p> <p>10 A I mean, the amount might be, take the</p> <p>11 contract, you sign it. As you progress bill</p> <p>12 through, that amount is entered into QuickBooks so</p> <p>13 the amount would be accounted for.</p> <p>14 Q Would the names of the projects be</p> <p>15 reflected in Grace financial statements if they</p> <p>16 were prepared?</p> <p>17 A If the projects were listed in the</p> <p>18 financial statements, then I would imagine so,</p> <p>19 yes.</p> <p>20 Q Have financial statements been</p> <p>21 prepared for Grace for 2020 through 2023?</p> <p>22 A To my recollection, yes.</p> <p>23 Q Why?</p> <p>24 A Why did I do financial statements?</p> <p>25 Q Yes.</p>
<p style="text-align: right;">118</p> <p>1 John Raymond Cervini 118</p> <p>2 A No.</p> <p>3 Q A little further down on the page,</p> <p>4 Schedule L, line 14, it says investment in RE</p> <p>5 \$447,420.</p> <p>6 Do you see that?</p> <p>7 A Yes.</p> <p>8 Q What is that?</p> <p>9 A I think that's investment in real</p> <p>10 estate.</p> <p>11 Q What real estate?</p> <p>12 A 2003 Myrtle.</p> <p>13 Q 1003?</p> <p>14 A I mean 1003 Myrtle. I apologize.</p> <p>15 Q What property is that, 1003 Myrtle</p> <p>16 Road?</p> <p>17 A Yes, sir.</p> <p>18 Q When was that investment made?</p> <p>19 A I don't remember, Brian.</p> <p>20 Q Grace has worked on public and private</p> <p>21 projects in the past five years.</p> <p>22 Is that correct?</p> <p>23 A Yes, sir.</p> <p>24 Q Are there documents that would reflect</p> <p>25 exactly what projects Grace worked on both public</p>	<p style="text-align: right;">120</p> <p>1 John Raymond Cervini 120</p> <p>2 A Because I needed to.</p> <p>3 Q For bonding?</p> <p>4 A For bonding, yes, and banking.</p> <p>5 Q How many private projects has Grace</p> <p>6 worked on in the past five years?</p> <p>7 A Some small projects. Nothing too</p> <p>8 crazy. Not a whole lot.</p> <p>9 Q How many?</p> <p>10 A I don't know. Five, ten, fifteen</p> <p>11 maybe.</p> <p>12 Q Is there anything that would show what</p> <p>13 projects Grace worked on, private projects, during</p> <p>14 that period of time?</p> <p>15 A Signed proposal or a contract.</p> <p>16 Invoices.</p> <p>17 Q How many public projects has Grace</p> <p>18 worked on in the past five years?</p> <p>19 A Past five years. Fifteen, twenty,</p> <p>20 twenty-five maybe, somewhere in that range, plus</p> <p>21 or minus.</p> <p>22 Q Where would those projects be</p> <p>23 reflected, would they be also listed in financial</p> <p>24 statements for the company?</p> <p>25 A I would imagine so.</p>

<p style="text-align: right;">121</p> <p>1 John Raymond Cervini 121</p> <p>2 Q How many projects is Grace working on</p> <p>3 now, public projects?</p> <p>4 A Two.</p> <p>5 Q What --</p> <p>6 A Well, three.</p> <p>7 Q What projects?</p> <p>8 A Port Jervis Phase II and III and</p> <p>9 Katonah.</p> <p>10 Q What about in 2023, what projects did</p> <p>11 Grace work on?</p> <p>12 A 2023 we had a bunch of projects open</p> <p>13 from prior years. But I think we were working on</p> <p>14 Clarkstown Roundout and Pocantico Hills I think.</p> <p>15 We had other open projects we weren't</p> <p>16 paid for and closed out on yet.</p> <p>17 Q Have those since been closed out?</p> <p>18 A Some, not all.</p> <p>19 Q Going back to your bankruptcy</p> <p>20 petition, page 42 of 57 lists your gross income</p> <p>21 for 2023 as \$124,800.</p> <p>22 Is that accurate?</p> <p>23 A Yes.</p> <p>24 Q It lists your gross income for 2022</p> <p>25 as \$37,577.</p>	<p style="text-align: right;">123</p> <p>1 John Raymond Cervini 123</p> <p>2 tumultuous eighteen months.</p> <p>3 Q So the accountant told you to write</p> <p>4 checks from Grace to you?</p> <p>5 A Yes.</p> <p>6 Q For how much?</p> <p>7 A Twenty-four hundred a week.</p> <p>8 Q And that was your salary?</p> <p>9 A Yes.</p> <p>10 Q For what year?</p> <p>11 A In 2022.</p> <p>12 Q Did you take any dividends or</p> <p>13 distributions in 2022?</p> <p>14 A Might have.</p> <p>15 Q Do you recall as you sit here?</p> <p>16 A No.</p> <p>17 Q Did you take any dividends or</p> <p>18 distributions in 2021?</p> <p>19 A I think I might have.</p> <p>20 Q What about in 2020?</p> <p>21 A I don't remember.</p> <p>22 Q Are there any dividends or</p> <p>23 distributions reflected in your bankruptcy</p> <p>24 petition?</p> <p>25 A I think they are reflected in, what</p>
<p style="text-align: right;">122</p> <p>1 John Raymond Cervini 122</p> <p>2 Is that accurate?</p> <p>3 A Yes.</p> <p>4 Q Going back to Exhibit 50, page 11 of</p> <p>5 22, says that your income in 2021 was \$124,800.</p> <p>6 Is that right?</p> <p>7 A Yes.</p> <p>8 Q That's accurate?</p> <p>9 A Yes.</p> <p>10 Q What was your gross income in 2020?</p> <p>11 A I would imagine it was the same. I've</p> <p>12 never really changed my salary.</p> <p>13 Q Well, your salary, would you agree,</p> <p>14 in 2022 is changed from 2021 and 2023.</p> <p>15 A It, yes. Me and my wife were</p> <p>16 separated and I had to speak to my accountant and</p> <p>17 I said I can't live on the net, I need to get at</p> <p>18 least the gross.</p> <p>19 So he was, he said okay. Write</p> <p>20 yourself the checks as the loan.</p> <p>21 Q What does that mean, you can't live</p> <p>22 on the net?</p> <p>23 A It was only 1,600 and the gross was</p> <p>24 2,400. So I needed the extra 3,000 a month to</p> <p>25 help me not living at the home. It was a</p>	<p style="text-align: right;">124</p> <p>1 John Raymond Cervini 124</p> <p>2 is that, settlement plan? What do you call it?</p> <p>3 Q Subchapter V plan?</p> <p>4 A Yeah. The repayment plan. I think</p> <p>5 they are reflected there.</p> <p>6 Q You think the dividends are reflected</p> <p>7 there.</p> <p>8 A Yeah.</p> <p>9 Q Are the dividends reflected in your</p> <p>10 bankruptcy petition?</p> <p>11 You want to take a look at Exhibit 1</p> <p>12 and tell me if you see any dividends or</p> <p>13 distributions that are reflected in the bankruptcy</p> <p>14 petition for 2021, 2022, 2023.</p> <p>15 A (Reviewing)</p> <p>16 Not that I see.</p> <p>17 MS. CURLEY: Brian, the statement</p> <p>18 of financial affairs requests income</p> <p>19 that's at or received going back to</p> <p>20 January 1st of 2022 for the filing</p> <p>21 dates. So anything prior to that</p> <p>22 wouldn't have been listed anyway.</p> <p>23 Q Okay. But do you see as you sit here</p> <p>24 if you received any dividends or distributions in</p> <p>25 2022.</p>

<p style="text-align: right;">125</p> <p>1 John Raymond Cervini 125</p> <p>2 A I think we have it down that I did,</p> <p>3 yes.</p> <p>4 Q Let's look at your 2022 tax return.</p> <p>5 This is Exhibit 18.</p> <p>6 Do you recognize it?</p> <p>7 A Yes.</p> <p>8 Q What is it?</p> <p>9 A My joint tax return with my wife and</p> <p>10 I for 2022.</p> <p>11 Q Is this information, is the</p> <p>12 information in this tax return true and correct</p> <p>13 to the best of your knowledge?</p> <p>14 A To the best of my knowledge.</p> <p>15 Q This tax return that was produced, is</p> <p>16 it complete, do you know if it's complete?</p> <p>17 THE WITNESS: I have a question.</p> <p>18 The, what we discussed about my wife</p> <p>19 and I doesn't leave this room.</p> <p>20 Right? Separated? I'm just saying.</p> <p>21 MR. BELOWICH: Yeah. It's not</p> <p>22 relevant for --</p> <p>23 THE WITNESS: No. Tommy is here.</p> <p>24 I'm just saying.</p> <p>25 MS. CURLEY: Off the record for</p>	<p style="text-align: right;">127</p> <p>1 John Raymond Cervini 127</p> <p>2 Q Did you receive any payments from</p> <p>3 Grace since 2020 other than salary or dividends</p> <p>4 or loans?</p> <p>5 A (No response)</p> <p>6 Q In other words, did you ever go to the</p> <p>7 bank and withdraw cash from Grace?</p> <p>8 A I mean, other than the 10,000 we went</p> <p>9 over before, that was the only time.</p> <p>10 Q That was the only time.</p> <p>11 A That I recall, yeah.</p> <p>12 Q Did you ever transfer money from Grace</p> <p>13 to yourself?</p> <p>14 A I mean --</p> <p>15 Q Other than --</p> <p>16 A -- other than transfer as a loan or a</p> <p>17 salary, no.</p> <p>18 Q I'm showing you what's been marked as</p> <p>19 Exhibit 13.</p> <p>20 Do you recognize this?</p> <p>21 A Yes.</p> <p>22 Q What is it?</p> <p>23 A It's a personal bank statement.</p> <p>24 Q This is personal bank statement at</p> <p>25 KeyBank for the account ending in 1319.</p>
<p style="text-align: right;">126</p> <p>1 John Raymond Cervini 126</p> <p>2 a sec?</p> <p>3 MR. BELOWICH: Yes.</p> <p>4 (Whereupon, a discussion was</p> <p>5 held off the record.)</p> <p>6 Q Do you know if this tax return, your</p> <p>7 2022 tax return is complete?</p> <p>8 A To the best of my knowledge.</p> <p>9 Q I will represent there is no Schedule</p> <p>10 B in this tax return which is where the dividends</p> <p>11 and distributions would be listed. That's where</p> <p>12 the dividends are listed for 2021 and '20 but</p> <p>13 there is no Schedule B for 2022.</p> <p>14 So do you know off the top of your</p> <p>15 head if you were paid any dividends or</p> <p>16 distributions from Grace Contracting in 2022?</p> <p>17 A I think so. Without that statement I</p> <p>18 couldn't tell you exactly. But if we have it, we</p> <p>19 will get it to you.</p> <p>20 Q You think you received distributions</p> <p>21 or dividends from Grace in 2022?</p> <p>22 A I think so.</p> <p>23 Q And they are not reflected in your</p> <p>24 petition, are they?</p> <p>25 A No.</p>	<p style="text-align: right;">128</p> <p>1 John Raymond Cervini 128</p> <p>2 A Yes.</p> <p>3 Q Is this account still open?</p> <p>4 A Yes, sir.</p> <p>5 Q If you look at page 80 of 248, there</p> <p>6 is a \$75,000 transfer from Grace account ending</p> <p>7 in 0494 to this account on July 30th of 2020.</p> <p>8 Do you see that?</p> <p>9 A Yes.</p> <p>10 Q Can you tell me why you transferred</p> <p>11 \$75,000 from Grace to your personal account on</p> <p>12 that date?</p> <p>13 A I would have to look in my QuickBooks.</p> <p>14 Q What would your QuickBooks show?</p> <p>15 A Whatever it was transferred for.</p> <p>16 Q What did you do with the money that</p> <p>17 was the \$75,000 that was transferred into your</p> <p>18 personal account from Grace on that date?</p> <p>19 A I'm not sure. I would have to go</p> <p>20 through the bank statements and look.</p> <p>21 Q If you go further down on the bank</p> <p>22 statement, do you see that you withdrew \$62,000</p> <p>23 on the same day?</p> <p>24 A Yes.</p> <p>25 Q So on July 30th you transferred</p>

<p style="text-align: right;">129</p> <p>1 John Raymond Cervini 129</p> <p>2 \$75,000 from Grace to your personal account and</p> <p>3 then you withdrew \$62,000 of that amount.</p> <p>4 Correct?</p> <p>5 A Yes.</p> <p>6 Q What do you do with the \$62,000?</p> <p>7 A Probably paid something.</p> <p>8 Q Do you remember?</p> <p>9 A Not sitting here.</p> <p>10 Q Did you report that \$62,000 on your</p> <p>11 income tax return for 2020?</p> <p>12 A If it was booked as a loan, I'm not</p> <p>13 sure.</p> <p>14 Q You don't know if you did or not?</p> <p>15 A I don't know if I did or not.</p> <p>16 Q I show you Exhibit 10, page 116 out</p> <p>17 of 272.</p> <p>18 There is an entry on September 15,</p> <p>19 2020, and it's on the top here, outgoing wire</p> <p>20 \$25,000 from Grace account ending in 3480 to your</p> <p>21 personal account.</p> <p>22 Do you see that?</p> <p>23 A Yes.</p> <p>24 Q Why did you transfer \$25,000 to</p> <p>25 yourself from Grace on September 15, 2020?</p>	<p style="text-align: right;">131</p> <p>1 John Raymond Cervini 131</p> <p>2 Q This is your personal bank account.</p> <p>3 Right?</p> <p>4 A Yes.</p> <p>5 Q So \$25,000 was wired from Grace to</p> <p>6 you on September 15th.</p> <p>7 Right?</p> <p>8 A Yes.</p> <p>9 Q You don't know what you did with it?</p> <p>10 A I'm pretty sure I paid my uncle back.</p> <p>11 Q If you look at this statement,</p> <p>12 September 18th you withdrew \$25,000 cash at a</p> <p>13 branch.</p> <p>14 Correct?</p> <p>15 A Yes.</p> <p>16 Q Would it be fair to say that you</p> <p>17 transferred \$25,000 from Grace to yourself on</p> <p>18 September 15, 2020 and then withdrew \$25,000 cash</p> <p>19 three days later?</p> <p>20 A I don't know if it was cash or not,</p> <p>21 but it was withdrawn, yes.</p> <p>22 Q You withdrew \$25,000.</p> <p>23 A Yes.</p> <p>24 Q Did you report that on your income tax</p> <p>25 return?</p>
<p style="text-align: right;">130</p> <p>1 John Raymond Cervini 130</p> <p>2 A I might have transferred it to myself</p> <p>3 to pay my uncle back.</p> <p>4 Q Are you guessing or you know that?</p> <p>5 A I don't -- I know -- I don't know the</p> <p>6 account, the dates. But I know that I paid him</p> <p>7 \$25,000 payments towards the money he lent me for</p> <p>8 the \$125,000 to pay T.J. back as I said earlier.</p> <p>9 Q Mr. Cervini, do you know as you sit</p> <p>10 here why you transferred \$25,000 to yourself on</p> <p>11 September 15th of 2020. It's yes or no.</p> <p>12 A What the statement I said is what I</p> <p>13 believe it is.</p> <p>14 Q That's what you believe?</p> <p>15 A Yes.</p> <p>16 Q Let me show you Exhibit 13. Page 84</p> <p>17 of 248 on September 18th.</p> <p>18 It says -- hold on a second here.</p> <p>19 Sorry. September 15th. Wire deposit from Grace</p> <p>20 account ending -- not ending. Sorry. Strike</p> <p>21 that.</p> <p>22 September 15th, wire deposit from</p> <p>23 Grace \$25,000.</p> <p>24 Do you see that?</p> <p>25 A Yes.</p>	<p style="text-align: right;">132</p> <p>1 John Raymond Cervini 132</p> <p>2 A No. It was a loan that I, my uncle</p> <p>3 lent me the money, I lent it to the company, and</p> <p>4 then the company paid me back the money and I</p> <p>5 paid him.</p> <p>6 Q Where are the documents reflecting</p> <p>7 this?</p> <p>8 A There is no documents.</p> <p>9 Q When was the loan made from your</p> <p>10 uncle?</p> <p>11 A If you look back you will probably</p> <p>12 see sometime in August or July \$125,000 deposit.</p> <p>13 Q So was your uncle paid back at that</p> <p>14 point?</p> <p>15 A I don't recall exactly. It was</p> <p>16 one-twenty-five, I see twenty-five, twenty-five,</p> <p>17 seventy-five. I think it's at that point, yes.</p> <p>18 Q So you think you took the \$25,000,</p> <p>19 you withdrew it at the branch, and then you gave</p> <p>20 it to your uncle.</p> <p>21 That's your testimony?</p> <p>22 A Yes.</p> <p>23 Q Looking at Exhibit 9, page 89 of 270.</p> <p>24 Strike that.</p> <p>25 Exhibit 9, page 89 of 270,</p>

133

1 John Raymond Cervini 133
2 October 30th you have withdrawal of \$100,000.
3 Do you see that?
4 A What account are we talking about?
5 Q This is account 0494. It says
6 \$100,000 withdrawal from Grace account.
7 Do you see that?
8 A Yes.
9 Q What did you do with that \$100,000
10 that you withdrew from Grace's account?
11 A We paid something.
12 Q Yourself?
13 A Myself?
14 Q Yes.
15 A I wish.
16 Q Do you know what that \$100,000 that
17 you withdrew from the branch was used for?
18 A I have to ask the accountant and look
19 in our QuickBooks for that.
20 Q Let me show you what's been marked as
21 Exhibit 14. This is your personal account
22 statement ending in 4406. I will show you page 26
23 of 92.
24 It says here on October 30th you
25 deposited \$100,000 into your personal bank account

134

1 John Raymond Cervini 134
2 at branch.
3 Do you see that?
4 A Yes.
5 Q So you withdrew \$100,000 from Grace's
6 account at the branch and then you deposited that
7 \$100,000 into your personal bank account at
8 branch.
9 A Yes.
10 Q Why?
11 A We were going to look at making a
12 purchase and doing some more work on the house,
13 my wife and I, at the time.
14 Q And did you?
15 A No.
16 And I think I sent the money back the
17 prior month.
18 Q When did you send the money back?
19 A I have to look at the bank statements.
20 Sometime in November.
21 Q Did you report the \$100,000 that you
22 withdrew from the branch on your tax return in
23 2020?
24 A No, I think it was a loan.
25 Q Do you have any documents showing that

135

1 John Raymond Cervini 135
2 it was a loan?
3 A Just the QuickBooks reflecting that
4 I'm sure.
5 Q Back to Exhibit 10. Page 203 of 272.
6 On November 1st there are two wire
7 transfers from Grace account ending in 3480 to
8 your personal account --
9 A Yes.
10 Q -- each in the amount of \$150,000.
11 Do you see that?
12 A Yes.
13 Q Why did you transfer \$300,000 to your
14 personal bank account from Grace on that day?
15 A It was supposed to be one-fifty and
16 it was a double transfer.
17 Q What does that mean?
18 A It got duplicated in the wiring and
19 they sent it twice.
20 Q Did you transfer \$150,000 back?
21 A I think so, yes.
22 Q When?
23 A I'm not sure of the date.
24 Q You think so or you recall having done
25 so?

136

1 John Raymond Cervini 136
2 A I recall having done so.
3 Q But you don't recall when.
4 A No, no, sir.
5 Q Would that have been --
6 A This is the full statement, could I
7 keep looking? Maybe I can see if it's still in
8 there.
9 Q You can look. I can tell you I didn't
10 see it in this statement.
11 A Okay.
12 Q I can also tell you this.
13 A Might have got wired --
14 Q Exhibit 14 --
15 A -- to another bank.
16 Q Why would it get wired to another
17 bank?
18 A No. The operating account could have
19 wired because I was part of Key at that point.
20 It could have went back to Key 904 account. I'm
21 not sure.
22 Q Exhibit 14, page 46 of 92, shows that
23 there is a transfer from your personal account to
24 Grace account ending in 0494 in the amount of
25 \$160,000 on November 30th.

<p style="text-align: right;">137</p> <p>1 John Raymond Cervini 137</p> <p>2 Is that the money that you transferred</p> <p>3 back?</p> <p>4 A I think so.</p> <p>5 Q Why did you transfer back one-sixty</p> <p>6 instead of one-fifty?</p> <p>7 A I don't remember.</p> <p>8 Q So I just want to be clear.</p> <p>9 You made duplicate transfers of</p> <p>10 one-fifty in early November of 2021, and then</p> <p>11 later in the month you wire transferred from a</p> <p>12 different account a hundred and sixty back to</p> <p>13 Grace?</p> <p>14 A Yes.</p> <p>15 Q Did you transfer any other money from</p> <p>16 Grace to your personal account that you can</p> <p>17 recall?</p> <p>18 A No. I mean, not that I can recall.</p> <p>19 I'm not saying no.</p> <p>20 Q Let me show you Exhibit 13. Page 140</p> <p>21 of 248.</p> <p>22 November 2nd there is an Internet</p> <p>23 transfer to account 4406 which is your personal</p> <p>24 account in the amount of \$290,000.</p> <p>25 Do you see that?</p>	<p style="text-align: right;">139</p> <p>1 John Raymond Cervini 139</p> <p>2 duplicated and sent another one-fifty.</p> <p>3 Q So that's 300,000.</p> <p>4 A Yes, sir.</p> <p>5 Q So then you transferred back \$160,000</p> <p>6 because it was a duplicate.</p> <p>7 Right?</p> <p>8 A Yes.</p> <p>9 Q So that means there is 140,000 left</p> <p>10 from the 300,000.</p> <p>11 Correct?</p> <p>12 A Yes.</p> <p>13 Q And then you transferred two-ninety.</p> <p>14 A Back.</p> <p>15 Q Why?</p> <p>16 A At that point there was only 140,000</p> <p>17 that would have had to be transferred back,</p> <p>18 right.</p> <p>19 MS. CURLEY: Could I just</p> <p>20 interrupt for a second?</p> <p>21 It says the two-ninety, it looks</p> <p>22 like it was a transfer to 4406 which</p> <p>23 I believe under Exhibit 14 is the</p> <p>24 account for 4406, which is a personal</p> <p>25 account, not a Grace account.</p>
<p style="text-align: right;">138</p> <p>1 John Raymond Cervini 138</p> <p>2 A Yes.</p> <p>3 Q Did you transfer \$290,000 from Grace</p> <p>4 to your personal account on November 2, 2021?</p> <p>5 A This is my personal account or this</p> <p>6 is Grace's account?</p> <p>7 Q This is your personal account.</p> <p>8 Can you tell me why --</p> <p>9 A I don't remember exactly. It was a</p> <p>10 loan for something. I think it was all</p> <p>11 transferred back.</p> <p>12 Q Actually, yes. This is two-ninety</p> <p>13 going from your personal account back to Grace.</p> <p>14 Correct?</p> <p>15 A Right. I took three hundred, sent</p> <p>16 back two-ninety.</p> <p>17 Q Why?</p> <p>18 A Because I didn't use it.</p> <p>19 First off, one-fifty was a duplicate</p> <p>20 so that wasn't that, I was only supposed to take</p> <p>21 one-fifty and we were going to do some stuff but</p> <p>22 decided it wasn't the right time. The business</p> <p>23 needed money.</p> <p>24 Q You made two transfers of 150,000?</p> <p>25 A I made a transfer of one-fifty. It</p>	<p style="text-align: right;">140</p> <p>1 John Raymond Cervini 140</p> <p>2 MR. BELOWICH: Right. Fair.</p> <p>3 Good.</p> <p>4 MS. CURLEY: I think if you're</p> <p>5 analyzing --</p> <p>6 Q Let me ask you this:</p> <p>7 MS. CURLEY: I'm sorry.</p> <p>8 Q So --</p> <p>9 MR. BELOWICH: Thank you.</p> <p>10 A I don't know what you guys decide.</p> <p>11 MS. CURLEY: The two-ninety</p> <p>12 didn't go back to Grace, it --</p> <p>13 MR. REICH: It never went back to</p> <p>14 Grace.</p> <p>15 Q It went back to you.</p> <p>16 So let's try to, again, you have the</p> <p>17 \$250,000 transferred. You transferred \$160,000</p> <p>18 back to Grace.</p> <p>19 Correct?</p> <p>20 A Okay.</p> <p>21 Q Then you've got in this bank</p> <p>22 statement Exhibit 13, it's showing a transfer is</p> <p>23 on November 2nd from this account, which is your</p> <p>24 personal account ending in 1319, to an account</p> <p>25 ending in 4406.</p>

<p style="text-align: right;">141</p> <p>1 John Raymond Cervini 141</p> <p>2 That's also personal account?</p> <p>3 A A savings account.</p> <p>4 Q For \$290,000. And this is Exhibit 14.</p> <p>5 That's the \$290,000.</p> <p>6 Correct?</p> <p>7 A Yes.</p> <p>8 Q So you transferred it from Grace to</p> <p>9 one of your accounts to another one of your</p> <p>10 accounts.</p> <p>11 A Yes.</p> <p>12 Q Okay. Why?</p> <p>13 A Why did I do what?</p> <p>14 Q Why did you transfer that money from</p> <p>15 one personal account to another personal</p> <p>16 account?</p> <p>17 A Because I wanted it in my savings and</p> <p>18 not my checking.</p> <p>19 Q Did you end up keeping any portion of</p> <p>20 the \$300,000 that was transferred from Grace to</p> <p>21 your personal account?</p> <p>22 A No. If you see there the one-sixty</p> <p>23 and one-forty, I sent it all back like I told</p> <p>24 you.</p> <p>25 Q Let me show you Exhibit 9. Page 145</p>	<p style="text-align: right;">143</p> <p>1 John Raymond Cervini 143</p> <p>2 BY MR. BELOWICH:</p> <p>3 Q Mr. Cervini, you testified this</p> <p>4 morning about a loan from your uncle.</p> <p>5 A Yes.</p> <p>6 Q Who did your uncle loan money to, you</p> <p>7 or Grace?</p> <p>8 A To me.</p> <p>9 Q How much did he loan you?</p> <p>10 A One-twenty-five.</p> <p>11 Q Did you pay that back in full?</p> <p>12 A Yes.</p> <p>13 Q You don't owe him any more money?</p> <p>14 A No, sir.</p> <p>15 Q Is that \$125,000 loan referenced in</p> <p>16 your bankruptcy petition?</p> <p>17 A No, it's been paid.</p> <p>18 Q When was it paid?</p> <p>19 A I don't remember the exact dates. I</p> <p>20 borrowed it to pay T.J. T.J. needed 125,000</p> <p>21 towards his money.</p> <p>22 I didn't have it at the time, we were</p> <p>23 busy, and so I asked my uncle if he could lend it</p> <p>24 to me.</p> <p>25 And then I paid T.J. back and I paid</p>
<p style="text-align: right;">142</p> <p>1 John Raymond Cervini 142</p> <p>2 out of 270.</p> <p>3 On December 7th you wired \$58,750</p> <p>4 from account number, Grace account number 0494.</p> <p>5 Do you know where you wired that to?</p> <p>6 A This is 0494 account? It's Grace</p> <p>7 original account.</p> <p>8 Q Right.</p> <p>9 A Start again.</p> <p>10 Q On December 7th you wired \$58,750.</p> <p>11 Do you know where you wired it to?</p> <p>12 A 12/7.</p> <p>13 In what year?</p> <p>14 Q '21.</p> <p>15 A I feel like that was a deposit for</p> <p>16 Myrtle. Or something like that.</p> <p>17 I don't remember. I don't remember,</p> <p>18 Brian. I can write the answer and we will get it</p> <p>19 for you. Write the question.</p> <p>20 MS. CURLEY: Can we take a quick</p> <p>21 break?</p> <p>22 (Whereupon, a discussion was</p> <p>23 held off the record.)</p> <p>24 (Whereupon, a lunch recess was</p> <p>25 taken.)</p>	<p style="text-align: right;">144</p> <p>1 John Raymond Cervini 144</p> <p>2 my uncle over time.</p> <p>3 Q Did you loan money to T.J. or did</p> <p>4 Grace loan money to T.J.?</p> <p>5 A No, paid back the loan that T.J.</p> <p>6 loaned to Grace.</p> <p>7 Q Do you owe any of your family members</p> <p>8 money right now at this point?</p> <p>9 A No.</p> <p>10 Q Do any of your family members owe you</p> <p>11 money?</p> <p>12 A Not that I recall. I mean, T.J. owes</p> <p>13 me money.</p> <p>14 Q Has Grace loaned money to -- strike</p> <p>15 that.</p> <p>16 You said Grace loaned you money.</p> <p>17 Right?</p> <p>18 A Yes.</p> <p>19 Q Did Grace loan money to anybody other</p> <p>20 than you?</p> <p>21 A I'm not sure exactly. I have to</p> <p>22 look.</p> <p>23 Q You don't remember off the top of your</p> <p>24 head?</p> <p>25 A Not the top of my head.</p>

145

1 John Raymond Cervini 145

2 Q Is Grace in the business of loaning

3 money?

4 A No.

5 Q Why did Grace loan you money?

6 A I needed it for something. I mean, at

7 the time the large portion of the loan was because

8 of the when me and my wife were separated and I

9 took my salary as a loan.

10 Q So you took your salary as a loan,

11 didn't report it as income, did you?

12 A No, but I reported it as a loan.

13 Q Did you ever have any intention to

14 repay that loan?

15 A Yes.

16 Q When did you, at what point did you

17 intend to repay the loan when you took it out?

18 A Yes.

19 Q When did you take out the loan?

20 A I forget. Like 2020 it was or, I

21 forget the time period, 2021.

22 Q How did you intend to repay it?

23 A I was planning on selling one of my

24 properties.

25 Q Isn't it true you don't even know if

146

1 John Raymond Cervini 146

2 you took out a loan from Grace?

3 A I don't understand. You asked me if

4 I took one and I told you yes.

5 Q But you don't recall taking it, do

6 you?

7 A I took my salary as a loan. A portion

8 of it.

9 Q A portion of it.

10 Would it be fair to say in 2022 you

11 took about \$350,000 as a loan from Grace?

12 A I don't recall that.

13 Q I'm looking at Exhibit 42. This is

14 your 2022 tax return.

15 Line 7 says end of year 2022 you had

16 a total of \$427,637 in loans.

17 Right?

18 A Yes.

19 Q The beginning of that year you only

20 had 73,395 in loans.

21 Correct?

22 A Yes.

23 Q So in 2022, you took over \$350,000 of

24 salary in the form of loans.

25 Is that your testimony?

147

1 John Raymond Cervini 147

2 A No.

3 Q So the 300 and -- did you take out

4 loans of more than \$350,000 from Grace in 2022?

5 A So I'm not saying that it was a loan

6 per se. It might have been they paid for

7 something or I was to take something off of Grace

8 books maybe.

9 We had a lot of legal bills so maybe

10 they were putting the legal bills on me.

11 Q You don't remember?

12 A I don't remember. I have to speak

13 with the accountant.

14 Q When you submit bonding applications

15 for Grace, does somebody co-sign?

16 A Co-sign?

17 Q Right.

18 A My wife has to sign indemnification.

19 Q When you submit your bonding

20 applications, do you have to disclose whether you

21 personally filed for bankruptcy?

22 A Yes.

23 Q And have you disclosed on any bonding

24 applications that you have personally filed for

25 bankruptcy?

148

1 John Raymond Cervini 148

2 A I would have to ask.

3 Q Do you recall having done so?

4 A I'm not sure.

5 Q Have you submitted any bonding

6 applications after filing for bankruptcy?

7 A Yes.

8 Q You don't recall as you sit here if

9 you disclosed the fact that you filed for

10 bankruptcy?

11 A Well, we have an ongoing like surety

12 line with them so we only update the information

13 they need or what they request at the time.

14 I haven't gotten a new bonding

15 company, like a new application. I've been with

16 the same one I've had for a while now.

17 Q What company is that?

18 A I think they are, it's my broker.

19 He's Fox Mountain Consulting.

20 Q Have you disclosed to the bonding

21 company that you filed for bankruptcy?

22 A I've disclosed to him. I don't know

23 if we had put anything in for an application.

24 Q Do you maintain copies of applications

25 that you submit to your bonding company for

<p style="text-align: right;">149</p> <p>1 John Raymond Cervini 149</p> <p>2 bonding on your projects?</p> <p>3 A We don't submit an application.</p> <p>4 Q How does it work?</p> <p>5 A We put a request for a bid bond.</p> <p>6 Q Does the bonding company ask you for</p> <p>7 information from time to time?</p> <p>8 A They might say what is your work on</p> <p>9 hand, work in progress, or they might ask for</p> <p>10 something of that nature.</p> <p>11 Q Do they do that verbally? By email?</p> <p>12 Some other way?</p> <p>13 A I think by email.</p> <p>14 Q Do you have copies of those emails?</p> <p>15 A I'm sure we have them somewhere.</p> <p>16 MR. BELOWICH: I call for the</p> <p>17 production of those emails and</p> <p>18 whatever documents are submitted to</p> <p>19 the bonding company.</p> <p>20 MS. CURLEY: What time period?</p> <p>21 MR. BELOWICH: 2020 to present.</p> <p>22 MS. CURLEY: Before we proceed,</p> <p>23 do you submit directly to the bonding</p> <p>24 company or to the broker?</p> <p>25 THE WITNESS: To the broker. I</p>	<p style="text-align: right;">151</p> <p>1 John Raymond Cervini 151</p> <p>2 me to sign.</p> <p>3 Q It's the same bank teller that you</p> <p>4 use each time?</p> <p>5 A I think so. I think it's the same.</p> <p>6 She is an Asian lady.</p> <p>7 Q That person wrote out these two checks</p> <p>8 on page 16 of 42?</p> <p>9 A Yes.</p> <p>10 Q That's your signature on both checks?</p> <p>11 A I signed them, yes.</p> <p>12 Q You endorsed the back?</p> <p>13 A Yes.</p> <p>14 Q What did you do with the money?</p> <p>15 A At the time I needed to pay some</p> <p>16 expenses to give the money to my wife because we</p> <p>17 were still going through our situation.</p> <p>18 Q Did you report this money on -- strike</p> <p>19 that.</p> <p>20 Have you filed your personal tax</p> <p>21 returns for 2023, you don't remember?</p> <p>22 A I know we were working on it last I</p> <p>23 spoke. I was in Florida so I didn't talk to</p> <p>24 them.</p> <p>25 MS. CURLEY: I emailed David and</p>
<p style="text-align: right;">150</p> <p>1 John Raymond Cervini 150</p> <p>2 never submit to a bonding company.</p> <p>3 MS. CURLEY: Okay. Just so I</p> <p>4 understand.</p> <p>5 (REQUEST) _____</p> <p>6 Q I want to show you Exhibit 45. These</p> <p>7 are bank statements for your personal account at</p> <p>8 Orange Bank & Trust ending in 8273.</p> <p>9 Correct?</p> <p>10 A Yes.</p> <p>11 Q I'm going to show you page 16 of 42.</p> <p>12 There are two checks on that page, both made out</p> <p>13 to cash. One is dated July 27, 2023, one is</p> <p>14 dated July 28th.</p> <p>15 Do you recognize the handwriting on</p> <p>16 either of those checks?</p> <p>17 A It's the bank teller's.</p> <p>18 Q What is the bank teller's name?</p> <p>19 A I don't remember.</p> <p>20 Q Explain to me how a bank teller fills</p> <p>21 out your checks. What is the process. Explain</p> <p>22 it to me.</p> <p>23 A So if I went in and say I need to</p> <p>24 withdraw this, she would put the account number</p> <p>25 and everything on there and then just give it to</p>	<p style="text-align: right;">152</p> <p>1 John Raymond Cervini 152</p> <p>2 he said they were filed so I will get</p> <p>3 copies to you.</p> <p>4 MR. BELOWICH: Thank you.</p> <p>5 Q Do you happen to know if you reported</p> <p>6 this as income on your 2023 tax returns?</p> <p>7 A Yes. Because that money all came in</p> <p>8 from the sale of my house, the property.</p> <p>9 Q What property?</p> <p>10 A 359 South 8th Street.</p> <p>11 Q So this money --</p> <p>12 A So that was my personal money and I</p> <p>13 claimed the money.</p> <p>14 Q Let me ask you about that.</p> <p>15 How much did you sell that property</p> <p>16 for?</p> <p>17 A Six hundred thousand.</p> <p>18 Q When did the sale close?</p> <p>19 A I don't remember. If you look through</p> <p>20 the bank statements it should be there. You can</p> <p>21 see the transfers from the title company.</p> <p>22 Q Okay. There are two -- we are looking</p> <p>23 at Exhibit 45, Page 13 of 42. There are two</p> <p>24 deposits, incoming wires.</p> <p>25 The first one is July 13th from</p>

153

1 John Raymond Cervini 153
2 RealSafe Title LLC in the amount of \$325,361.91.
3 Do you see that?
4 A Yes.
5 Q What is that for?
6 A The sale of the house.
7 Q That's proceeds from the sale of the
8 house in --
9 A 359 South 8th Street in Newark.
10 Q So that money was deposited into your
11 account at Orange Bank & Trust ending in 8273.
12 A Yes, sir.
13 Q And then the next day another 21,000
14 was wire transferred in.
15 Correct?
16 A Yes.
17 Q What is that for?
18 A Same proceeds.
19 Q Who is John Giorgi?
20 A That was the attorney.
21 Q For who?
22 A For me.
23 Q And that \$21,000, is that also from
24 the sale of the house in Newark?
25 A Yes, sir. So it's a total of

154

1 John Raymond Cervini 154
2 346,361.91 I think.
3 Q Okay. And then from the sale of that
4 house, you said you wrote two checks on July --
5 one on July 27th, one on July 28th, both made out
6 to cash, and that came from the proceeds.
7 Correct?
8 A Yes.
9 Q Page 20 of 42, there are three checks
10 to cash and there is a check to you personally.
11 Do you see that?
12 A Yes.
13 Q Who wrote out the checks to cash?
14 A The bank teller wrote them and I
15 signed them.
16 Q Who wrote out the check to you
17 personally?
18 A She did, and then I signed it.
19 Q Why?
20 A I don't think I had checks for this
21 account. So they were just, they are bank checks,
22 like at teller banks, they handwrite them.
23 Q You sign each of those checks?
24 A Yes, sir.
25 Q And you endorse each of those checks?

155

1 John Raymond Cervini 155
2 A Yes.
3 Q Why did you write these checks out to
4 cash and to yourself?
5 A I needed the money at the time.
6 Q For what?
7 A For stuff with my wife and bills.
8 Q And this money is from the proceeds
9 of the sale of the house?
10 A Yes, sir. That's claimed on my taxes.
11 Q Page 24 of 42 you've got four checks
12 made out to cash.
13 Do you recognize the handwriting on
14 those?
15 A Yes.
16 Q That is the bank teller's handwriting?
17 A Same statement as before.
18 Q And you signed them.
19 A Yes, sir.
20 Q And you endorsed these checks.
21 A Yes.
22 Q What did you do with the proceeds from
23 these checks?
24 A Same as before.
25 Q Used it for expenses?

156

1 John Raymond Cervini 156
2 A Yes.
3 Q Page 36 of 42, there are two checks
4 made out to cash.
5 Do you recognize those checks?
6 A Yes.
7 Q Did the bank teller write those checks
8 out?
9 A Yes.
10 Q And you endorsed them?
11 A Yes.
12 Q What are those checks for?
13 A Same as before, expenses.
14 Q There is a check on the top of the
15 page of page 36 made out to Stacey Cervini for
16 \$5,000.
17 Do you see that?
18 A Yes.
19 Q What is that for?
20 A In the memo it says Jet Blue credit
21 card. It's to give her money to pay her Jet Blue
22 credit card.
23 Q Why didn't you just pay the credit
24 card directly?
25 A Say that again.

<p style="text-align: right;">157</p> <p>1 John Raymond Cervini 157</p> <p>2 Q Why didn't you just pay the credit</p> <p>3 card directly?</p> <p>4 A I don't know.</p> <p>5 Q How much was her credit card bill?</p> <p>6 A 20,000, \$18,000.</p> <p>7 Q And you gave her 5,000 to pay her</p> <p>8 credit card?</p> <p>9 A Yeah.</p> <p>10 And then the other person is a</p> <p>11 plumber. I paid him to do work at Isabella as it</p> <p>12 is in the memo.</p> <p>13 Q Finally on page 40 of 42, there is a</p> <p>14 check from your bank account to you for \$25,000.</p> <p>15 Do you see that?</p> <p>16 A Yes.</p> <p>17 Q Whose handwriting is that?</p> <p>18 A Teller's, my signature.</p> <p>19 Q And what is this check for?</p> <p>20 A Same as before. Expenses.</p> <p>21 Q So on January 8, 2024 you withdrew</p> <p>22 \$25,000 for expenses?</p> <p>23 A Yes.</p> <p>24 Q And two months later you filed for</p> <p>25 bankruptcy?</p>	<p style="text-align: right;">159</p> <p>1 John Raymond Cervini 159</p> <p>2 your account ending in 1319.</p> <p>3 Look at page 76 of 248 and there is a</p> <p>4 \$100,000 deposit at a branch on July 17th.</p> <p>5 Do you see that?</p> <p>6 A Yes.</p> <p>7 Q What is that for?</p> <p>8 A What is the date, what year?</p> <p>9 Q July 17, 2023.</p> <p>10 A I don't recall. It went back though.</p> <p>11 Q What does that mean?</p> <p>12 A If you look right here, it came in and</p> <p>13 then went back.</p> <p>14 Q And you're pointing to a transaction</p> <p>15 on July 17th that it went back somewhere?</p> <p>16 A Yes.</p> <p>17 Q Do you know where it went back to?</p> <p>18 A I think it went back to wherever it</p> <p>19 came from, which I think is from Grace.</p> <p>20 Q So you think on July 17th Grace</p> <p>21 transferred \$100,000 -- strike that.</p> <p>22 On July 17th you deposited \$100,000</p> <p>23 into your personal bank account ending in 1319,</p> <p>24 and the same day you transferred \$100,000 to</p> <p>25 Grace?</p>
<p style="text-align: right;">158</p> <p>1 John Raymond Cervini 158</p> <p>2 A Yes.</p> <p>3 Q What expenses did you use this check</p> <p>4 for?</p> <p>5 A Just various expenses my wife needed</p> <p>6 for the kids and us.</p> <p>7 Q Do you have any documents showing how</p> <p>8 you spent this \$25,000?</p> <p>9 A No.</p> <p>10 Q How do I know that \$25,000 isn't</p> <p>11 sitting under your mattress somewhere?</p> <p>12 A You want to come to the house and</p> <p>13 look?</p> <p>14 Q Is there anything at all showing how</p> <p>15 these checks to cash and these checks to yourself</p> <p>16 were used?</p> <p>17 A I didn't keep records of it.</p> <p>18 Q And you're saying that all of these</p> <p>19 checks to you and to cash, those will all be on</p> <p>20 your 2023 tax return?</p> <p>21 A Yes.</p> <p>22 Q Let me show you Exhibit 13.</p> <p>23 A The last one is like the kids day</p> <p>24 care, a portion of it.</p> <p>25 Q Exhibit 13 are bank statements for</p>	<p style="text-align: right;">160</p> <p>1 John Raymond Cervini 160</p> <p>2 A A hundred grand. I thought the</p> <p>3 hundred grand came from Grace.</p> <p>4 Q Did it?</p> <p>5 A I would have to look. I'm not sure.</p> <p>6 Q Do you know where this --</p> <p>7 A Scroll down.</p> <p>8 Is there canceled checks or copies of</p> <p>9 anything?</p> <p>10 Q Are you depositing money into your</p> <p>11 account and taking money out of your account so</p> <p>12 that you have money in Grace's account to show</p> <p>13 the bonding company?</p> <p>14 A What?</p> <p>15 MR. BELOWICH: Is that what</p> <p>16 you're getting at?</p> <p>17 MR. REICH: Yes.</p> <p>18 Q There are times, would you agree,</p> <p>19 that you transferred money into Grace's account,</p> <p>20 and then the same day or days later transferred</p> <p>21 that money out of Grace's account?</p> <p>22 A Okay. I don't know what you're asking</p> <p>23 me.</p> <p>24 Q Do you not understand the question?</p> <p>25 A No.</p>

<p style="text-align: right;">161</p> <p>1 John Raymond Cervini 161</p> <p>2 Q Okay.</p> <p>3 MS. CURLEY: Just, I'm looking at</p> <p>4 this exhibit that you're referring</p> <p>5 to, Exhibit 13, page 76.</p> <p>6 While it doesn't say where the</p> <p>7 money came from, that hundred thousand</p> <p>8 just says deposit.</p> <p>9 On the wire withdrawal it says</p> <p>10 either PL or PI acquisitions. I</p> <p>11 can't, it's small for me.</p> <p>12 A PL.</p> <p>13 MS. CURLEY: So I don't believe</p> <p>14 that withdrawal went to Grace.</p> <p>15 MR. BELOWICH: I will ask the</p> <p>16 witness. That was his testimony.</p> <p>17 Right?</p> <p>18 Q You testified, Mr. Cervini, that that</p> <p>19 \$100,000 went to Grace.</p> <p>20 Right?</p> <p>21 A I'm not sure, to be honest with you.</p> <p>22 I need more context to wrap my head around it.</p> <p>23 It says PL acquisitions but I think</p> <p>24 would be ProudLiving acquisitions. Maybe paid</p> <p>25 back T.J. something.</p>	<p style="text-align: right;">163</p> <p>1 John Raymond Cervini 163</p> <p>2 A I think that was the remaining balance</p> <p>3 towards what I owed him for lending money to</p> <p>4 Grace.</p> <p>5 Q In 2023 there was still money owed to</p> <p>6 Caleca?</p> <p>7 A I think. I don't recall. I have to</p> <p>8 look.</p> <p>9 Q What would you look at?</p> <p>10 A I have to see what I have in</p> <p>11 QuickBooks.</p> <p>12 Q That would tell you how much you paid</p> <p>13 to Caleca and when?</p> <p>14 A No, that will -- well, the transaction</p> <p>15 will tell. I don't know how it's logged in</p> <p>16 QuickBooks.</p> <p>17 Q So we saw that in July of 2023 after</p> <p>18 you sold the Newark property, there were two</p> <p>19 transfers to your account. One for 325,361.91</p> <p>20 and another one for 21,000 from the attorney.</p> <p>21 Correct?</p> <p>22 A Yes.</p> <p>23 Q And you wrote some checks to yourself</p> <p>24 and to cash.</p> <p>25 Right?</p>
<p style="text-align: right;">162</p> <p>1 John Raymond Cervini 162</p> <p>2 Q So would you agree with me that on</p> <p>3 July 17th you deposited \$100,000 into your bank</p> <p>4 account ending in 1319, and that same day you</p> <p>5 transferred \$100,000 to PL acquisitions?</p> <p>6 A Yes.</p> <p>7 Q And you think PL acquisitions is</p> <p>8 either Caleca or Brown?</p> <p>9 A This was 2023?</p> <p>10 Q Yes.</p> <p>11 A It would be Caleca.</p> <p>12 Q So you transferred \$100,000 to Caleca</p> <p>13 on July 17, 2023 from your personal account.</p> <p>14 Right?</p> <p>15 A Yes.</p> <p>16 Q And the \$100,000 that you deposited</p> <p>17 on July 17th, where did that come from, Grace?</p> <p>18 A Pretty sure that's where it came</p> <p>19 from.</p> <p>20 Q So you took money from Grace to your</p> <p>21 personal account to Thomas Caleca on July 17,</p> <p>22 2023.</p> <p>23 A Yes.</p> <p>24 Q Why did you pay \$100,000 to Caleca on</p> <p>25 July 17, 2023?</p>	<p style="text-align: right;">164</p> <p>1 John Raymond Cervini 164</p> <p>2 A (Nodding)</p> <p>3 Q Yes?</p> <p>4 A Yes.</p> <p>5 Q Did you transfer any of the money</p> <p>6 from your personal account to another account</p> <p>7 after the money was deposited into your account?</p> <p>8 A I don't recall.</p> <p>9 Q Do you understand the question?</p> <p>10 A If I took money out of the Orange</p> <p>11 account and transferred it to another bank</p> <p>12 account.</p> <p>13 Q Right.</p> <p>14 Did you do that?</p> <p>15 A I don't recall. I might have</p> <p>16 transferred a portion to the KeyBank account</p> <p>17 maybe. I don't know.</p> <p>18 Q You don't remember doing that at all?</p> <p>19 A I don't remember.</p> <p>20 Q Why would you do that?</p> <p>21 A Have some additional things to take</p> <p>22 care of, I'm not sure.</p> <p>23 Q I'm going to show you Exhibit 45,</p> <p>24 page 17 of 42.</p> <p>25 On August 3, 2023 you transferred</p>

<p style="text-align: right;">165</p> <p>1 John Raymond Cervini 165</p> <p>2 \$250,000 to an account ending in 2144.</p> <p>3 Do you see that?</p> <p>4 A Yes.</p> <p>5 Q What is the account ending in 2144?</p> <p>6 A I don't remember.</p> <p>7 Q Is that your account?</p> <p>8 A I'm not sure.</p> <p>9 Q I show you Exhibit 44. This is an</p> <p>10 Orange Bank & Trust, these are Orange Bank & Trust</p> <p>11 account statements for the account ending in</p> <p>12 2144.</p> <p>13 Do you recognize these account</p> <p>14 statements?</p> <p>15 A Yes.</p> <p>16 Q Is this your account?</p> <p>17 A Yes.</p> <p>18 Q If you look at August 31, 2023, there</p> <p>19 is a transfer in the amount of \$250,000.</p> <p>20 This is a transfer from your account</p> <p>21 8273 at Orange Bank.</p> <p>22 Correct?</p> <p>23 A Yes.</p> <p>24 Q Why did you transfer \$250,000 from</p> <p>25 your checking account at Orange Bank & Trust to</p>	<p style="text-align: right;">167</p> <p>1 John Raymond Cervini 167</p> <p>2 they needed some money.</p> <p>3 Q That 10 November, that's 10 November</p> <p>4 LLC.</p> <p>5 Correct?</p> <p>6 A Yes.</p> <p>7 Q That's your concrete sub?</p> <p>8 A It was.</p> <p>9 Q So you transferred \$75,000 from your</p> <p>10 personal account to Grace's concrete sub on</p> <p>11 August 10, 2023.</p> <p>12 Is that right?</p> <p>13 A I wired it, yes. Then it came back</p> <p>14 to me.</p> <p>15 Q Why did you transfer it from your</p> <p>16 personal account to 10 November LLC?</p> <p>17 A Because they needed to wire it.</p> <p>18 Q Couldn't you wire money from Grace?</p> <p>19 A Grace didn't have I think enough at</p> <p>20 the time so I lent it.</p> <p>21 Q You lent it to who?</p> <p>22 A To 10 November. I lent it to Grace.</p> <p>23 I lent to 10 November on Grace's behalf.</p> <p>24 Q Is there any document reflecting</p> <p>25 that?</p>
<p style="text-align: right;">166</p> <p>1 John Raymond Cervini 166</p> <p>2 your savings account at Orange Bank & Trust?</p> <p>3 A Grace needed the money.</p> <p>4 Q This is not Grace's account, is it?</p> <p>5 A No. But you see the debits that went</p> <p>6 out for seventy-five and one-seventy so I</p> <p>7 transferred I think money to Grace because it</p> <p>8 needed money as it was doing work.</p> <p>9 Q So it's your testimony that in August</p> <p>10 of 2023, you transferred \$250,000 from your</p> <p>11 checking account to your savings account because</p> <p>12 Grace needed money.</p> <p>13 Is that right?</p> <p>14 A Yes. Because I don't think that the</p> <p>15 checking account, like when you're a private</p> <p>16 client, I don't think that that was linked, so I</p> <p>17 wasn't able to transfer out of that account.</p> <p>18 Q Now, there are two transfers here,</p> <p>19 75,000 and 107,000.</p> <p>20 You're saying both of those transfers</p> <p>21 were made from you to Grace?</p> <p>22 A So the 10 November advance is an</p> <p>23 advance on a payment application I paid for our</p> <p>24 concrete sub on Clarkstown. Because they were</p> <p>25 flowing through their concrete account or SRM so</p>	<p style="text-align: right;">168</p> <p>1 John Raymond Cervini 168</p> <p>2 A No. I mean, they received the money.</p> <p>3 Q Who received the money?</p> <p>4 A 10 November. I can give you a payment</p> <p>5 schedule showing the payment.</p> <p>6 Q Do you recall the 10 November paid</p> <p>7 you \$75,000 back?</p> <p>8 A No. No. When I got the payment</p> <p>9 requisition from the customer, I took the money</p> <p>10 back, because it was my loan to Grace.</p> <p>11 Q I just want to understand this.</p> <p>12 So August 10, 2023 you personally</p> <p>13 wired \$75,000 to 10 November.</p> <p>14 Correct?</p> <p>15 A Yes.</p> <p>16 Q That's because 10 November needed</p> <p>17 money and Grace didn't have it.</p> <p>18 Right?</p> <p>19 A Grace had money but I wanted to,</p> <p>20 didn't want to dip into it at that moment because</p> <p>21 I knew we had other expenses to handle that would</p> <p>22 come up in the future.</p> <p>23 Q Do you recall that 10 November</p> <p>24 transferred \$75,000 to Grace on August 10, 2023,</p> <p>25 the same day that you transferred \$75,000 to</p>

<p style="text-align: right;">169</p> <p>1 John Raymond Cervini 169</p> <p>2 10 November?</p> <p>3 A Say that again? The 10 November -- I</p> <p>4 don't understand what you're asking me.</p> <p>5 Q I will show you Exhibit 12, page 25</p> <p>6 of 144.</p> <p>7 This is Orange Bank & Trust account</p> <p>8 statement for Grace account ending 9220.</p> <p>9 August 10, 2023 there is a wire --</p> <p>10 A Out to them.</p> <p>11 Q Let me finish the question, please.</p> <p>12 There is a wire from 10 November to</p> <p>13 Grace for \$75,000.</p> <p>14 Same day there is a wire from Grace</p> <p>15 to 10 November for \$75,000.</p> <p>16 Right?</p> <p>17 A Yes.</p> <p>18 Q Now, the same day, August 10th, you</p> <p>19 wired \$75,000 to 10 November?</p> <p>20 A No, that's incorrect statement.</p> <p>21 So that money -- I got confused by</p> <p>22 the memo. So the 75,000 went from me to Grace.</p> <p>23 Grace then wired it out to 10 November.</p> <p>24 Understand?</p> <p>25 Q No.</p>	<p style="text-align: right;">171</p> <p>1 John Raymond Cervini 171</p> <p>2 closed out in February, March.</p> <p>3 Q Staying with Exhibit 12, page 29 of</p> <p>4 144, there is an entry on September 15, 2023,</p> <p>5 \$100,000 wire out to 10 November LLC.</p> <p>6 Do you see that?</p> <p>7 A Whose bank account is this?</p> <p>8 Q This is Grace bank account ending</p> <p>9 9220.</p> <p>10 A Yes.</p> <p>11 Q Do you see the transfer on September</p> <p>12 15th to 10 November LLC from Grace?</p> <p>13 A Yes.</p> <p>14 Q What is that for?</p> <p>15 A Payment.</p> <p>16 Q For what?</p> <p>17 A Concrete work at Clarkstown.</p> <p>18 Q Where did the \$100,000 come from?</p> <p>19 A The two deposits for \$250,000 over on</p> <p>20 the right-hand side.</p> <p>21 Q I want to show you Exhibit 40. This</p> <p>22 is Salisbury Bank account statements for Grace</p> <p>23 account ending in 0235.</p> <p>24 Do you recognize this?</p> <p>25 A Yes.</p>
<p style="text-align: right;">170</p> <p>1 John Raymond Cervini 170</p> <p>2 A Start again.</p> <p>3 Q It says 10 November A-D-V.</p> <p>4 A Advance. That means advance because</p> <p>5 we advanced it for their payment application.</p> <p>6 Q So in Exhibit 44, the \$75,000 you</p> <p>7 transferred from your personal savings account to</p> <p>8 Grace \$75,000.</p> <p>9 The same day you transferred \$75,000</p> <p>10 from Grace to 10 November.</p> <p>11 A Yes. So John Cervini lent Grace</p> <p>12 Contracting 75,000. They used that money to pay</p> <p>13 10 November.</p> <p>14 Q Any documents reflecting these loans</p> <p>15 that you just testified to?</p> <p>16 A No.</p> <p>17 Q Any other loans or payments to or</p> <p>18 from 10 November that you can recall?</p> <p>19 A I mean, they were paid for the job.</p> <p>20 There are payments to them for the project.</p> <p>21 Q How much were they paid for the job?</p> <p>22 A It was a big job; 5-, \$600,000.</p> <p>23 Q When was the job complete?</p> <p>24 A September, October, and we still had</p> <p>25 work in January to do the flagpole. I think we</p>	<p style="text-align: right;">172</p> <p>1 John Raymond Cervini 172</p> <p>2 Q This account was -- strike that.</p> <p>3 There is an entry on October 10, 2023,</p> <p>4 a mobile deposit for \$100,000.</p> <p>5 Do you know where that \$100,000 came</p> <p>6 from?</p> <p>7 A I don't recall at this minute sitting</p> <p>8 here looking at a bank statement.</p> <p>9 Q Your father, Gene, is a salaried</p> <p>10 employee of Grace.</p> <p>11 Right?</p> <p>12 A Yes.</p> <p>13 Q What does he do?</p> <p>14 A Estimating.</p> <p>15 Q What is his salary?</p> <p>16 A I don't know.</p> <p>17 Q Do you recall that his salary in</p> <p>18 2021, 2022 and 2023 was about \$121,000 a year?</p> <p>19 A I would have to check.</p> <p>20 Q You don't remember as you sit here?</p> <p>21 A No.</p> <p>22 Q Is Gene still a salaried employee of</p> <p>23 Grace?</p> <p>24 A Yes, but he's cut back because of his</p> <p>25 health.</p>

<p style="text-align: right;">173</p> <p>1 John Raymond Cervini 173</p> <p>2 Q What do you mean he's cut back?</p> <p>3 A Not as full-time as he was.</p> <p>4 Q So how many hours a week does he</p> <p>5 work?</p> <p>6 A I'm not sure exactly. It varies.</p> <p>7 Sometimes he doesn't work, sometimes he works.</p> <p>8 Q How does he decide whether he's going</p> <p>9 to work or not?</p> <p>10 A Depends on how he's feeling and what</p> <p>11 we have going on estimating-wise.</p> <p>12 Q Is your mother, Lorene Cervini, a</p> <p>13 salaried employee of Grace?</p> <p>14 A She is.</p> <p>15 Q How long has she been a salaried</p> <p>16 employee of Grace for?</p> <p>17 A A year or two maybe? Not too long.</p> <p>18 Q She was not a salaried employee of</p> <p>19 Grace in 2020, 2021 or 2022, was she?</p> <p>20 A Not that I recall.</p> <p>21 Q She came a salaried employee of Grace</p> <p>22 in 2023?</p> <p>23 A I think so, yes.</p> <p>24 Q Was she ever a salaried employee of</p> <p>25 Grace at any point prior to 2020?</p>	<p style="text-align: right;">175</p> <p>1 John Raymond Cervini 175</p> <p>2 A Secretary, administrative assistant.</p> <p>3 Q Whose administrative assistant is</p> <p>4 she?</p> <p>5 A Mine.</p> <p>6 Q Are you sure?</p> <p>7 A She's mine and she helps my dad</p> <p>8 sometimes if he needs things. Whoever needs her.</p> <p>9 Q She helps your dad, how do you know</p> <p>10 that?</p> <p>11 A If he needs help with something.</p> <p>12 Q It's your testimony that your mom</p> <p>13 works as an administrative assistant for your dad</p> <p>14 at Grace.</p> <p>15 Is that right?</p> <p>16 A She works for whoever she's needed,</p> <p>17 whoever needs her.</p> <p>18 Q Including your father?</p> <p>19 A Yes.</p> <p>20 Q Your parents have an apartment in</p> <p>21 Florida.</p> <p>22 Right?</p> <p>23 A Grace Contracting has an apartment in</p> <p>24 Florida.</p> <p>25 Q Where is it located?</p>
<p style="text-align: right;">174</p> <p>1 John Raymond Cervini 174</p> <p>2 A I think so, yes.</p> <p>3 Q When?</p> <p>4 A I think somewhere, I think she was on</p> <p>5 the payroll maybe in 2015, somewhere in that</p> <p>6 earlier part of those years.</p> <p>7 Q So for eight years she wasn't on</p> <p>8 payroll and then in 2023 Grace put her back on</p> <p>9 payroll?</p> <p>10 A Yes.</p> <p>11 Q Why?</p> <p>12 A Needed some additional help.</p> <p>13 Q What kind of help?</p> <p>14 A Just office stuff, filing, helping</p> <p>15 out where I can, helping out things in Florida</p> <p>16 when she's down there that I need for the</p> <p>17 business, so she just helps me.</p> <p>18 Q What is your mom's salary?</p> <p>19 A I don't recall.</p> <p>20 Q Do you know if she makes more or less</p> <p>21 than your father?</p> <p>22 A I don't know. I would have to look.</p> <p>23 I'm sorry.</p> <p>24 Q Does your mother have a title at</p> <p>25 Grace, a job title?</p>	<p style="text-align: right;">176</p> <p>1 John Raymond Cervini 176</p> <p>2 A In Lithia.</p> <p>3 Q L-I-T-H-I-A.</p> <p>4 A Yes.</p> <p>5 Q Is the address 13930 Spector Road,</p> <p>6 Apartment 06-314?</p> <p>7 A I don't know about the 06, but I know</p> <p>8 314.</p> <p>9 Q You said Grace owns that apartment?</p> <p>10 A Grace is the lessee of that apartment.</p> <p>11 Q When did Grace enter into a lease for</p> <p>12 that apartment?</p> <p>13 A About eighteen, twenty-four months</p> <p>14 ago.</p> <p>15 Q Why is Grace paying for your parents'</p> <p>16 apartment?</p> <p>17 A It's paying for the apartment because</p> <p>18 we have business down there and work down there</p> <p>19 that we have to attend to.</p> <p>20 So I go down there, they use it when</p> <p>21 they are there, my dad's office is in there.</p> <p>22 Q Have you or Grace made any payments</p> <p>23 either for a down payment or for rent for that</p> <p>24 apartment?</p> <p>25 A A security deposit?</p>

<p style="text-align: right;">177</p> <p>1 John Raymond Cervini 177</p> <p>2 Q Do you recall Grace making any</p> <p>3 payments in connection with the Florida apartment?</p> <p>4 A Pays the rent.</p> <p>5 Q Let me show you Exhibit 9, page 153.</p> <p>6 First of all, there are highlights</p> <p>7 and there is some print in red.</p> <p>8 Do you know how that got there?</p> <p>9 A No.</p> <p>10 Q Did you do that?</p> <p>11 A No.</p> <p>12 Q If you look at the third entry,</p> <p>13 February 9th, it says wire withdrawal insured</p> <p>14 title agency, and next to it it says Florida down</p> <p>15 payment \$65,000.</p> <p>16 Do you see that?</p> <p>17 A Yes. That was for 1003 Myrtle, the</p> <p>18 down payment deposit on the property.</p> <p>19 Q Grace paid that deposit?</p> <p>20 A It did.</p> <p>21 Q Why?</p> <p>22 A It was a investment in a project that</p> <p>23 I wanted to start. Hopefully. If we would get</p> <p>24 it approved.</p> <p>25 Q Do your parents have a car or a truck</p>	<p style="text-align: right;">179</p> <p>1 John Raymond Cervini 179</p> <p>2 Q Anything else?</p> <p>3 A Not that I recall.</p> <p>4 Q Let me show you Exhibit 12, page 23</p> <p>5 of 144.</p> <p>6 There is a check dated July 17, 2023</p> <p>7 from Grace to Eugene Cervini, check number 2036.</p> <p>8 Do you see that?</p> <p>9 A Yes.</p> <p>10 Q What is that check for?</p> <p>11 A It's a medical expense for his</p> <p>12 cataract surgery.</p> <p>13 Q Why did Grace pay that?</p> <p>14 A Because he no longer had medical with</p> <p>15 the -- Grace used to pay his medical but now he's</p> <p>16 on Medicare.</p> <p>17 So since you're not getting medical</p> <p>18 anymore, dad, we will pay that for you.</p> <p>19 Q Was that something that was reported</p> <p>20 on Grace's 2023 tax returns?</p> <p>21 A I don't know if it was done as medical</p> <p>22 expense. I'm not sure. The accountant has it.</p> <p>23 Classified.</p> <p>24 Q Are you E&L Consultants?</p> <p>25 A Yes.</p>
<p style="text-align: right;">178</p> <p>1 John Raymond Cervini 178</p> <p>2 down in Florida?</p> <p>3 A They take the car back and forth.</p> <p>4 Q What car?</p> <p>5 A My dad's truck, and my mom has her</p> <p>6 lease.</p> <p>7 Q What kind of truck does your dad</p> <p>8 drive?</p> <p>9 A A 1500 Sierra.</p> <p>10 Q Who paid for that truck?</p> <p>11 A Grace Contracting pays the payment.</p> <p>12 Q Does Grace maintain payroll records</p> <p>13 or any other documents showing salary paid to</p> <p>14 Grace employees?</p> <p>15 A I don't --</p> <p>16 Q In other words, how would I figure</p> <p>17 out how much Grace paid you, your father, and</p> <p>18 your mother in 2023 in salary?</p> <p>19 A Our W-2s.</p> <p>20 Q Anything else?</p> <p>21 A I mean, Payserv does our payroll.</p> <p>22 They are third party.</p> <p>23 Q Did you or did you or Grace pay any</p> <p>24 benefits for your father or your mother?</p> <p>25 A I pay my father's life insurance.</p>	<p style="text-align: right;">180</p> <p>1 John Raymond Cervini 180</p> <p>2 Q What is that?</p> <p>3 A What is it?</p> <p>4 Q Yes.</p> <p>5 A It's a consulting company that my</p> <p>6 mother owns.</p> <p>7 Q Your mother owns it.</p> <p>8 She's the hundred percent owner?</p> <p>9 A To my understanding she is.</p> <p>10 Q And what is the basis of that</p> <p>11 understanding?</p> <p>12 A That's what I understand.</p> <p>13 Q Do you know what E&L stands for?</p> <p>14 A Eugene and Lorene.</p> <p>15 Q Is your father Eugene an owner of</p> <p>16 E&L?</p> <p>17 A I don't recall. My mom is.</p> <p>18 Q What type of business does E&L</p> <p>19 Consultants do, if any?</p> <p>20 A It doesn't really do anything. As my</p> <p>21 dad -- we were opening it and going to use it in</p> <p>22 Florida, but as my dad got sicker and his health,</p> <p>23 we didn't do anything with it.</p> <p>24 Q If you look at Exhibit 12, page 37 of</p> <p>25 144, there is an item on October 10, 2023, federal</p>

<p style="text-align: right;">181</p> <p>1 John Raymond Cervini 181</p> <p>2 wire out E&L Consultants \$3,000.</p> <p>3 Do you see that?</p> <p>4 A Yes.</p> <p>5 Q What is that for?</p> <p>6 A They did some estimating, takeoff</p> <p>7 stuff for the Myrtle project.</p> <p>8 Q "They" being who?</p> <p>9 A My mom and my dad.</p> <p>10 Q Your mom is an estimator?</p> <p>11 A No.</p> <p>12 Q So when you say "they," you mean your</p> <p>13 father.</p> <p>14 A Yes.</p> <p>15 Q Did Grace pay any other money to E&L</p> <p>16 that you can recall?</p> <p>17 A I think it might have been a total of</p> <p>18 like 7,000 bucks or something like that. It was</p> <p>19 very minimal.</p> <p>20 Like I said, it didn't really get used</p> <p>21 for what we thought we would use it because of his</p> <p>22 health.</p> <p>23 Q It didn't get used for anything, did</p> <p>24 it?</p> <p>25 A Not really. I told him to just close</p>	<p style="text-align: right;">183</p> <p>1 John Raymond Cervini 183</p> <p>2 whoever is needed or wherever she's needed she</p> <p>3 helps.</p> <p>4 Q Who is Robert Cervini?</p> <p>5 A My brother.</p> <p>6 Q What does he do for a living?</p> <p>7 A He's a firefighter and he does movie</p> <p>8 stuff and he does some podcasts and production.</p> <p>9 Q What kind of movie stuff?</p> <p>10 A He does some acting, some directing,</p> <p>11 producing.</p> <p>12 Q Have you ever heard of RC Productions?</p> <p>13 A Yes.</p> <p>14 Q What is that?</p> <p>15 A It's his company.</p> <p>16 Q What type of business does that</p> <p>17 company do?</p> <p>18 A Same what he does.</p> <p>19 Q Have you ever heard of a company</p> <p>20 called DMan Productions?</p> <p>21 A Yes.</p> <p>22 MR. BELOWICH: D-M-A-N one word.</p> <p>23 Q What is DMan Productions?</p> <p>24 A It's a production company.</p> <p>25 Q Is that owned by your brother Robert?</p>
<p style="text-align: right;">182</p> <p>1 John Raymond Cervini 182</p> <p>2 it but --</p> <p>3 Q Exhibit 12, page 55 out of 144, you</p> <p>4 made a \$3,500 transfer from Grace to E&L</p> <p>5 Consultants on November 16th.</p> <p>6 Correct.</p> <p>7 A Yes.</p> <p>8 Q What is that for?</p> <p>9 A Just from work that they were both</p> <p>10 working on. Mom, administrative stuff, and my</p> <p>11 dad, estimating.</p> <p>12 Q So this \$3,500, at least a portion of</p> <p>13 it is for work that your mother did in</p> <p>14 administrative work, is that your testimony?</p> <p>15 A In conjunction to the project in</p> <p>16 Florida and my dad.</p> <p>17 Q So your mother would have acted as</p> <p>18 your father's administrative assistant.</p> <p>19 A In that regard, for that, yes, she</p> <p>20 would have been helping him I think.</p> <p>21 Q Would it surprise you to learn your</p> <p>22 father testified that your mother was not his</p> <p>23 administrative assistant?</p> <p>24 A She's not just his, she's helped him</p> <p>25 before. I just told you before that she helps</p>	<p style="text-align: right;">184</p> <p>1 John Raymond Cervini 184</p> <p>2 A No.</p> <p>3 Q Who is that owned by?</p> <p>4 A Another gentleman I think. I forget</p> <p>5 his name.</p> <p>6 Q You don't recall as you sit here who</p> <p>7 owns DMan Productions?</p> <p>8 A I do not. I apologize.</p> <p>9 Q Don't apologize.</p> <p>10 A I don't know.</p> <p>11 Q I show you Exhibit 10. This is</p> <p>12 Grace's bank statements for the account ending in</p> <p>13 3480.</p> <p>14 Page 223 of 272 there is an entry on</p> <p>15 May 19th, outgoing wire \$500,000 from Grace to</p> <p>16 DMan Productions LLC.</p> <p>17 Do you have see that?</p> <p>18 A Yes.</p> <p>19 Q What is that for?</p> <p>20 A That was for a loan.</p> <p>21 Q A loan to DMan Productions?</p> <p>22 A Yes.</p> <p>23 Q So Grace loaned DMan Productions</p> <p>24 \$500,000 on or about May 19, 2022?</p> <p>25 A Grace loaned RC Productions if you</p>

<p>185</p> <p>1 John Raymond Cervini 185</p> <p>2 look at the OBI, loaned RC Productions the</p> <p>3 500,000. So we wired the money on its behalf to</p> <p>4 DMan Productions.</p> <p>5 Q If you look towards the top of the</p> <p>6 page, it shows May 19th you transferred \$500,000</p> <p>7 on that day from Grace account ending in 6622 to</p> <p>8 this Grace account ending in 3480.</p> <p>9 Right?</p> <p>10 A Yes.</p> <p>11 Q And the same day you transferred</p> <p>12 \$500,000 out of the account ending in 3480 to</p> <p>13 RC Productions?</p> <p>14 A No, to DMan Productions.</p> <p>15 Q To DMan Productions for RC</p> <p>16 Productions?</p> <p>17 A Yes.</p> <p>18 Q So you loan your brother Robert</p> <p>19 \$500,000 but you paid it to DMan Productions.</p> <p>20 A I loaned it to RC Productions. And</p> <p>21 it's reflected on my statements.</p> <p>22 Q By "you," I'm referring to Grace.</p> <p>23 A Grace. Grace. I apologize.</p> <p>24 Q So just to be clear, Grace loaned on</p> <p>25 May 19, 2022 \$500,000 to RC Productions but made</p>	<p>187</p> <p>1 John Raymond Cervini 187</p> <p>2 DMan. I did not have an agreement with RC</p> <p>3 Productions.</p> <p>4 Q But you loaned \$500,000 to RC</p> <p>5 Productions.</p> <p>6 A Yes.</p> <p>7 Q "You" being Grace.</p> <p>8 A Yes.</p> <p>9 Q Is that loan from Grace reflected in</p> <p>10 your bankruptcy petition?</p> <p>11 A Is that loan --</p> <p>12 Q The \$500,000 loan that Grace made to</p> <p>13 RC Productions, is that reflected in your personal</p> <p>14 bankruptcy petition.</p> <p>15 A No. It's been paid back to Grace.</p> <p>16 Q When was it paid back?</p> <p>17 A Over a period of time it was paid</p> <p>18 back.</p> <p>19 Q By RC Productions?</p> <p>20 A I think DMan may have wired it</p> <p>21 straight to us. I'm not sure exactly.</p> <p>22 Q Exhibit 12 is Grace Orange Bank</p> <p>23 account 9220.</p> <p>24 If you look at page 3 of 144, there</p> <p>25 is a \$100,000 transfer from DMan Productions to</p>
<p>186</p> <p>1 John Raymond Cervini 186</p> <p>2 payment to DMan Productions.</p> <p>3 A Yes.</p> <p>4 Q Okay. The \$500,000 that was</p> <p>5 transferred from account 6622, where did that come</p> <p>6 from?</p> <p>7 A From Grace's bank accounts.</p> <p>8 Q You were able to transfer this</p> <p>9 \$500,000 to DMan Productions by wire.</p> <p>10 Right?</p> <p>11 A Yes.</p> <p>12 Q And you were able to transfer \$500,000</p> <p>13 from Grace account 6622 to Grace account 3480 by</p> <p>14 wire.</p> <p>15 Correct?</p> <p>16 A I think so.</p> <p>17 Q So why not just wire the \$500,000 from</p> <p>18 3480 to DMan Productions? Why go through another</p> <p>19 Grace account?</p> <p>20 A Because the template. Easier to set</p> <p>21 up for the wires.</p> <p>22 Q Did you have a written agreement with</p> <p>23 RC Productions, DMan Productions, and/or Robert</p> <p>24 Cervini concerning this \$500,000 loan?</p> <p>25 A RC Productions had agreement with</p>	<p>188</p> <p>1 John Raymond Cervini 188</p> <p>2 Grace on April 14, 2023.</p> <p>3 Correct?</p> <p>4 A Yes.</p> <p>5 Q Is this before or after you filed for</p> <p>6 bankruptcy?</p> <p>7 A I don't remember the date.</p> <p>8 Q Did DMan Productions make any payments</p> <p>9 to Grace between May 19, 2022 when you loaned,</p> <p>10 "you" being Grace, \$500,000 to DMan Productions</p> <p>11 and this day April 14, 2023?</p> <p>12 A Can you break that up? That was a</p> <p>13 lot. Sorry.</p> <p>14 Q No problem.</p> <p>15 There was a loan of \$500,000.</p> <p>16 A Agreed.</p> <p>17 Q You, Grace, received repayments from</p> <p>18 DMan Productions at some point?</p> <p>19 A Over a period of time, yes.</p> <p>20 Q The first one I saw was April 14,</p> <p>21 2023.</p> <p>22 A Yes.</p> <p>23 Q Are you aware of any payments by</p> <p>24 DMan Productions to you or Grace prior to</p> <p>25 April 14, 2023?</p>

<p style="text-align: right;">189</p> <p>1 John Raymond Cervini 189</p> <p>2 A I don't recall.</p> <p>3 Q Do you know if DMan Productions made</p> <p>4 any payments to you or Grace between May 19, 2022</p> <p>5 and the date that you filed your petition for</p> <p>6 bankruptcy which is March 28, 2024?</p> <p>7 A Did it make -- before the date?</p> <p>8 Before this date?</p> <p>9 Q Right.</p> <p>10 A I would have to look. I don't know.</p> <p>11 Q Any payments would be reflected in</p> <p>12 your bank statements.</p> <p>13 A Absolutely.</p> <p>14 Q Okay. So there is a payment from</p> <p>15 DMan Productions to Grace on April 14, 2023 in</p> <p>16 the amount of \$100,000.</p> <p>17 That was made after you filed for</p> <p>18 bankruptcy.</p> <p>19 Correct?</p> <p>20 A Yes.</p> <p>21 Q And there were additional payments</p> <p>22 that were made by DMan Productions to Grace after</p> <p>23 you filed for bankruptcy.</p> <p>24 Right?</p> <p>25 A Yes.</p>	<p style="text-align: right;">191</p> <p>1 John Raymond Cervini 191</p> <p>2 Correct?</p> <p>3 A Yes, sir.</p> <p>4 Q Are you aware of any other payments</p> <p>5 from DMan Productions to Grace?</p> <p>6 A I think it paid back the whole thing.</p> <p>7 Q Do you have any documents showing</p> <p>8 that they paid back the whole thing?</p> <p>9 A The bank statements --</p> <p>10 Q So --</p> <p>11 A -- show it.</p> <p>12 Q -- if they paid back the whole thing,</p> <p>13 it would be reflected in these bank statements?</p> <p>14 A I would think so, yes.</p> <p>15 Q Do you ever make any loans or payments</p> <p>16 to Robert Cervini?</p> <p>17 A To RC Productions. I mean, I might</p> <p>18 have lent him something personally but nothing</p> <p>19 significant like that.</p> <p>20 Q Well, what might you have lent him?</p> <p>21 A Maybe 5-, \$10,000, something like</p> <p>22 that, 20 grand, nothing crazy.</p> <p>23 Q Do you remember doing that?</p> <p>24 A I don't recall.</p> <p>25 Q Exhibit 10, page 217 out of 272.</p>
<p style="text-align: right;">190</p> <p>1 John Raymond Cervini 190</p> <p>2 Q Exhibit 12, page 13 of 144, June 1,</p> <p>3 2023 there was a \$150,000 transfer from DMan</p> <p>4 Productions.</p> <p>5 Right?</p> <p>6 A Yes.</p> <p>7 Q So that's \$250,000 total so far.</p> <p>8 Right?</p> <p>9 A Yes, sir.</p> <p>10 Q Any others that you can recall?</p> <p>11 A I think the whole thing was paid back</p> <p>12 over time. I don't know exactly when exactly the</p> <p>13 dates are.</p> <p>14 Q Page 19 of 144 there is a credit of</p> <p>15 \$150,000 on July 26, 2023.</p> <p>16 Do you see that?</p> <p>17 A Yes, sir.</p> <p>18 Q Did DMan Productions make a payment</p> <p>19 to Grace on that date?</p> <p>20 A Yes.</p> <p>21 Q Is that for the payment for the</p> <p>22 \$500,000 loan?</p> <p>23 A Yes.</p> <p>24 Q So now that's \$400,000 that's been</p> <p>25 repaid.</p>	<p style="text-align: right;">192</p> <p>1 John Raymond Cervini 192</p> <p>2 If you look at the top of the page</p> <p>3 there is March 25th, there is a \$50,000 transfer</p> <p>4 from Grace account ending in 6622.</p> <p>5 Do you see that?</p> <p>6 A Yes.</p> <p>7 Q And that was on March 25th?</p> <p>8 A Yes.</p> <p>9 Q That same day you transferred \$12,500</p> <p>10 from Grace to your brother Robert Cervini.</p> <p>11 Correct?</p> <p>12 A Yes.</p> <p>13 Q For what?</p> <p>14 A I don't remember. Maybe closing on</p> <p>15 his new house and he needed some money.</p> <p>16 Q Do you have anything that might</p> <p>17 refresh your recollection?</p> <p>18 A What is in the bank statements there.</p> <p>19 We don't have a loan agreement.</p> <p>20 Q There is no loan agreement.</p> <p>21 A No.</p> <p>22 Q Was there money paid back?</p> <p>23 A I think so.</p> <p>24 Q When?</p> <p>25 A I don't recall. But I think it was.</p>

<p style="text-align: right;">193</p> <p>1 John Raymond Cervini 193</p> <p>2 Q You said you loaned money to RC</p> <p>3 Productions?</p> <p>4 A Well, like the \$500,000, it's on their</p> <p>5 behalf. So I booked it against RC Productions,</p> <p>6 not against DMan, because the contract was between</p> <p>7 DMan and RC Productions.</p> <p>8 Q Did you ever, did Grace ever make any</p> <p>9 payments to RC Productions or did RC Productions</p> <p>10 make any payments to Grace?</p> <p>11 A I have to be honest, I don't recall,</p> <p>12 Brian.</p> <p>13 MR. BELOWICH: Do you want to</p> <p>14 take a break?</p> <p>15 MR. BERTUSSI: Two minutes.</p> <p>16 MS. CURLEY: Do you want to take</p> <p>17 a break?</p> <p>18 MR. BELOWICH: Jeff, go for it.</p> <p>19 (Whereupon, a brief recess was</p> <p>20 taken.)</p> <p>21 Q Let's continue.</p> <p>22 Mr. Cervini, Exhibit 11 is Salisbury</p> <p>23 bank statements for Grace for the account ending</p> <p>24 7872.</p> <p>25 Correct?</p>	<p style="text-align: right;">195</p> <p>1 John Raymond Cervini 195</p> <p>2 above that number from the original amount.</p> <p>3 Q So this was repayment of the money</p> <p>4 that Grace loaned to Robert Cervini.</p> <p>5 A Yes.</p> <p>6 Q Was that loan paid in full as of</p> <p>7 December 5, 2022?</p> <p>8 A I do not know. I think. It</p> <p>9 definitely was paid in full for the amount that</p> <p>10 was sent before, yes.</p> <p>11 Q Let me show you Exhibit 9, page 193</p> <p>12 out of 270.</p> <p>13 There is a \$16,000 wire transfer from</p> <p>14 RC Productions on December 22, 2022. This was</p> <p>15 wired into Grace's account.</p> <p>16 What is that for?</p> <p>17 A I'm not sure. I'd have to look.</p> <p>18 Q How much money did Grace loan to RC</p> <p>19 Productions?</p> <p>20 A I don't recall that off the top of my</p> <p>21 head sitting here.</p> <p>22 Q Are there any documents that would</p> <p>23 show that?</p> <p>24 A Like a loan document?</p> <p>25 Q Anything.</p>
<p style="text-align: right;">194</p> <p>1 John Raymond Cervini 194</p> <p>2 A Yes, sir.</p> <p>3 Q Page 79 of 99 shows transfer, wire --</p> <p>4 strike that.</p> <p>5 Page 79 of 99 there is a entry on</p> <p>6 December 5th, domestic wire deposit from Robert J.</p> <p>7 Cervini \$15,030.</p> <p>8 Do you see that?</p> <p>9 A Yes.</p> <p>10 Q What is that for?</p> <p>11 A I'm not sure. He needed some money</p> <p>12 for something.</p> <p>13 Q Well, this is from your brother.</p> <p>14 Correct?</p> <p>15 A Oh. It's deposited?</p> <p>16 Q Yes.</p> <p>17 A So that was the portion he was paying</p> <p>18 back to us.</p> <p>19 Q It's your testimony you or Grace</p> <p>20 loaned your brother \$12,500.</p> <p>21 Correct?</p> <p>22 A Yes.</p> <p>23 Q And then your brother repaid Grace</p> <p>24 \$15,030?</p> <p>25 A Yeah. We might have loaned him money</p>	<p style="text-align: right;">196</p> <p>1 John Raymond Cervini 196</p> <p>2 A I might have it in our QuickBooks.</p> <p>3 Q Did RC Productions make any additional</p> <p>4 payments to Grace, or is this the final payment</p> <p>5 that RC Productions made to Grace?</p> <p>6 A Repeat that question, please?</p> <p>7 Q There is a wire transfer from Grace</p> <p>8 to RC Productions on December 22, 2022.</p> <p>9 Correct?</p> <p>10 A Okay. Yes.</p> <p>11 Q Did Grace either wire to RC</p> <p>12 Productions or receive from RC Productions money</p> <p>13 after December 22, 2022?</p> <p>14 A I don't recall.</p> <p>15 Q Exhibit 9, page 243 of 270 shows a</p> <p>16 deposit on December 29, 2023 from RC Productions</p> <p>17 to Grace in the amount of \$30,000.</p> <p>18 Correct?</p> <p>19 A That was wired to Grace.</p> <p>20 Q Right.</p> <p>21 Why?</p> <p>22 A I think that we were going to, he had</p> <p>23 just bought his new house and we were going to do</p> <p>24 work at his new house at the time so he wired</p> <p>25 money over to us.</p>

<p style="text-align: right;">197</p> <p>1 John Raymond Cervini 197</p> <p>2 I think we wired it over back though</p> <p>3 because we didn't end up doing the work. He was</p> <p>4 to do an extension on his house so he went a</p> <p>5 different route. We just did a quick rehab.</p> <p>6 Q When you say he wired it back, on</p> <p>7 page 247 of 270, on January 8th there is a wire</p> <p>8 for \$30,000.</p> <p>9 Do you see that?</p> <p>10 A Yes.</p> <p>11 Q That's what you're referring to?</p> <p>12 A Yes.</p> <p>13 Q Who is Victoria LaPerche,</p> <p>14 L-A-P-E-R-C-H-E?</p> <p>15 A That is my sister.</p> <p>16 Q Does she work for Grace?</p> <p>17 A No.</p> <p>18 Q Can you tell me why Grace paid her</p> <p>19 \$5,000 a month from August 2020 to December 2021?</p> <p>20 A Because she had lent me money before</p> <p>21 I was working with Bertussi's</p> <p>22 Q When did she loan you that money?</p> <p>23 A I don't know. Sometime before 2017.</p> <p>24 Q And you decided to repay her starting</p> <p>25 in August of 2020?</p>	<p style="text-align: right;">199</p> <p>1 John Raymond Cervini 199</p> <p>2 Q What does she do for a living?</p> <p>3 A She's a bus driver and she works with</p> <p>4 her husband.</p> <p>5 Q On a bus driver's salary she had</p> <p>6 enough to loan Grace \$100,000?</p> <p>7 A Her husband was killed by a suicide.</p> <p>8 He was a cop in Peekskill. Christopher Vazeos.</p> <p>9 And she had a significant settlement from his</p> <p>10 life insurance policy so she was able to help me</p> <p>11 at the time.</p> <p>12 Q Did she loan the \$100,000 to you or</p> <p>13 to Grace?</p> <p>14 A I think it was lent to me and then I</p> <p>15 put it into Grace.</p> <p>16 Q What does that mean?</p> <p>17 A It was lent to me personally and then</p> <p>18 I put it into Grace.</p> <p>19 Q What do you mean you put it into</p> <p>20 Grace?</p> <p>21 A I deposited from my account into Grace</p> <p>22 back there.</p> <p>23 Q That's before you started doing</p> <p>24 business with Bertussi's?</p> <p>25 A Yes. I'm pretty sure. It was when I</p>
<p style="text-align: right;">198</p> <p>1 John Raymond Cervini 198</p> <p>2 A Yes.</p> <p>3 Q What caused you to start making</p> <p>4 repayments then?</p> <p>5 A She needed the money.</p> <p>6 Q Do you have any documents reflecting</p> <p>7 this loan other than the bank statements that's</p> <p>8 Exhibit 10 and Exhibit 9?</p> <p>9 A No.</p> <p>10 Q No promissory note?</p> <p>11 A Not that I recall.</p> <p>12 Q How much did she loan you?</p> <p>13 A It was \$100,000.</p> <p>14 Q How much did you pay her back?</p> <p>15 A Not \$100,000. Because I think I had</p> <p>16 two trucks that I said take those and don't give</p> <p>17 me any money for. I had like a Colorado and a</p> <p>18 Isuzu van and we took that off the bill.</p> <p>19 Q Your sister Victoria, she loaned you</p> <p>20 \$100,000 in 2016, 2017?</p> <p>21 A Yeah. A long time ago.</p> <p>22 Q Even before that maybe?</p> <p>23 A No, I don't think before that.</p> <p>24 Q How old is she now?</p> <p>25 A Fifty-something.</p>	<p style="text-align: right;">200</p> <p>1 John Raymond Cervini 200</p> <p>2 was doing the White Plains parking garage. I</p> <p>3 don't remember the time frame. It was around</p> <p>4 then.</p> <p>5 Q Who is Veronica Pellicotta,</p> <p>6 P-E-L-L-I-C-O-T-T-A?</p> <p>7 A My aunt.</p> <p>8 Q Does she work for Grace?</p> <p>9 A No.</p> <p>10 Q Did she ever work for Grace?</p> <p>11 A No. She's my godmother.</p> <p>12 Q Can you tell me why you paid Veronica</p> <p>13 \$5,000 a month also from September of 2020 until</p> <p>14 August of 2021?</p> <p>15 A She had lent me \$50,000 when I needed</p> <p>16 it.</p> <p>17 Q When?</p> <p>18 A I don't remember. It was a while</p> <p>19 ago.</p> <p>20 Q Did she loan it to you or to Grace?</p> <p>21 A She loaned it to me but I needed it</p> <p>22 for Grace.</p> <p>23 Q And then Grace made payments back to</p> <p>24 her in repayment of that loan?</p> <p>25 A Yes.</p>

<p style="text-align: right;">201</p> <p>1 John Raymond Cervini 201</p> <p>2 Q How much did Veronica Pellicotta loan</p> <p>3 to you?</p> <p>4 A I think it was \$50,000.</p> <p>5 Q When was this?</p> <p>6 A I don't have the dates.</p> <p>7 Q 2015? 2016?</p> <p>8 A I don't remember, to be honest with</p> <p>9 you. I can try to figure it out, ask her when</p> <p>10 was the date of that.</p> <p>11 Q Do you have any documents that would</p> <p>12 show the date that the loan was made?</p> <p>13 A I mean, the deposit slip. But other</p> <p>14 than that --</p> <p>15 Q You don't have any documents showing</p> <p>16 the repayment in terms of interest or anything of</p> <p>17 that?</p> <p>18 A No. My aunt is, she works for me,</p> <p>19 she knows that I'm going to pay her, and I said</p> <p>20 this is what I can do.</p> <p>21 And she had just sold her house and I</p> <p>22 needed some stuff and she said no problem. I</p> <p>23 will give it to you.</p> <p>24 And I owed her for a little while and</p> <p>25 I said I don't have it all in one shot, and I said</p>	<p style="text-align: right;">203</p> <p>1 John Raymond Cervini 203</p> <p>2 Q Who is Brian Cardone, Jr.?</p> <p>3 A He is my stone fabricator.</p> <p>4 Q Exhibit 9, page 153 of 270, there is</p> <p>5 an entry on February 4th. Says wire withdrawal</p> <p>6 Brian Cardone, and then in red, loan to me, and</p> <p>7 the amount is \$31,670.</p> <p>8 Do you see that?</p> <p>9 A Yes.</p> <p>10 Q What is that?</p> <p>11 A So he was renovating his house and he</p> <p>12 needed \$50,000, and then he was coming to do work</p> <p>13 on a project in New Jersey for us. So I said</p> <p>14 Brian, I will advance you it so you can finish</p> <p>15 your house.</p> <p>16 I paid a total of fifty. I paid the</p> <p>17 concrete -- not the concrete, the carpentry subs</p> <p>18 the remaining balance between the delta of the</p> <p>19 31,670 to the 50,000. I paid the carpentry sub</p> <p>20 and then I lent him the remaining balance from</p> <p>21 those invoices.</p> <p>22 Q Who is Aaron Thomas?</p> <p>23 A That is my cousin Angela's husband.</p> <p>24 Q What does he do?</p> <p>25 A He, I haven't spoken to them. They</p>
<p style="text-align: right;">202</p> <p>1 John Raymond Cervini 202</p> <p>2 can I make payments, and she said no problem.</p> <p>3 Q You waited until September of 2020 to</p> <p>4 make payments?</p> <p>5 A Yes.</p> <p>6 Q Who is Sara Pashmforoosh,</p> <p>7 P-A-S-H-M-F-O-R-O-S-H?</p> <p>8 A She's an interior designer.</p> <p>9 Q Does she do work for Grace?</p> <p>10 A She does. She does some project</p> <p>11 management work in New York City so she did some</p> <p>12 project management work for New Jersey.</p> <p>13 Q When did she do that work?</p> <p>14 A She's helped us throughout the years.</p> <p>15 I don't remember exactly.</p> <p>16 Q Exhibit 9, Page 181, there is a wire</p> <p>17 transfer on September 21, 2022 to Sara for</p> <p>18 \$20,000.</p> <p>19 A Yes.</p> <p>20 Q What is that for?</p> <p>21 A For work.</p> <p>22 Q Do you have any documents showing what</p> <p>23 work that was for?</p> <p>24 A I'm sure there is an invoice that I</p> <p>25 paid her.</p>	<p style="text-align: right;">204</p> <p>1 John Raymond Cervini 204</p> <p>2 were unemployed, both of them, at the time. They</p> <p>3 sold their house in Boston and moved to Texas and</p> <p>4 I lent him some money.</p> <p>5 Q When did you do that?</p> <p>6 A I don't recall exactly.</p> <p>7 Q When you say you, you mean --</p> <p>8 A Grace lent them.</p> <p>9 Q So Grace loaned Angela's husband</p> <p>10 money.</p> <p>11 When --</p> <p>12 A He was going to start doing some work</p> <p>13 for us, estimating remotely, and I know that they</p> <p>14 were, they had hit some real hard times.</p> <p>15 Q Did he do any work for you?</p> <p>16 A He helped out for a little bit but</p> <p>17 not for a long term.</p> <p>18 Q Grace paid Aaron Thomas every month</p> <p>19 from January of 2022 to March of 2023.</p> <p>20 Correct?</p> <p>21 A Aaron, no, I don't recall that. I</p> <p>22 think we paid him, I lent him money once.</p> <p>23 Maybe Aaron Pierce? That was the</p> <p>24 attorney, my original attorney on the suit. That</p> <p>25 we paid him 5,000 every month I think towards the</p>

<p style="text-align: right;">205</p> <p>1 John Raymond Cervini 205</p> <p>2 arrears of what we owed him.</p> <p>3 Q So there is an entry, this is Exhibit</p> <p>4 9, page 149 out of 270, every month there is</p> <p>5 Internet, there is an entry called Internet</p> <p>6 transfer to client add transfer account.</p> <p>7 Is that to Aaron Pierce?</p> <p>8 A Yes, sir.</p> <p>9 Q So you would have loaned Aaron Thomas</p> <p>10 money just once?</p> <p>11 A Yes, sir. To my recollection I think</p> <p>12 it was just once.</p> <p>13 Q And you don't recall how much it was?</p> <p>14 A Three, four thousand, maybe two to</p> <p>15 four thousand, something like that. It was under</p> <p>16 five grand.</p> <p>17 Yeah. \$4,000.</p> <p>18 Q And you're looking at Exhibit 9, page</p> <p>19 169.</p> <p>20 A Yes; 6/7. They needed to pay their</p> <p>21 mortgage.</p> <p>22 Q Did he pay that money back?</p> <p>23 A They have not.</p> <p>24 Q Looking at Exhibit 9, page 149 of 270,</p> <p>25 shows that Grace purchased \$36,000 worth of shares</p>	<p style="text-align: right;">207</p> <p>1 John Raymond Cervini 207</p> <p>2 was \$10 a share at the time. So maybe 3,600</p> <p>3 shares. Now it's split backwards.</p> <p>4 Q Are those shares disclosed in your</p> <p>5 bankruptcy petition as an asset of Grace?</p> <p>6 A I don't recall.</p> <p>7 Q At the time that you filed for</p> <p>8 bankruptcy, you personally owned 16,978 shares of</p> <p>9 Knightscope.</p> <p>10 Correct?</p> <p>11 A Yes.</p> <p>12 Q And then Grace on top of that owned</p> <p>13 \$36,000 worth, whatever that came out to be.</p> <p>14 A Yes.</p> <p>15 Q Do you own those 16,978 shares today?</p> <p>16 A Yeah. There was a reverse split so</p> <p>17 it's reduced to a different number, but yes.</p> <p>18 Q How many shares do you own today?</p> <p>19 A Whatever it was fifty-one split. So</p> <p>20 if you divide it, I think it's three hundred and</p> <p>21 something shares.</p> <p>22 Q How many shares does Grace own today?</p> <p>23 A I don't know. I'd have to --</p> <p>24 Q So at the time your bankruptcy</p> <p>25 petition was filed, March 28, 2024, according to</p>
<p style="text-align: right;">206</p> <p>1 John Raymond Cervini 206</p> <p>2 of Knightscope on January 19, 2022.</p> <p>3 A January 19, 2022.</p> <p>4 Q Correct?</p> <p>5 A Yes.</p> <p>6 Q It's about a week before Knightscope</p> <p>7 went public?</p> <p>8 A Yes.</p> <p>9 Q If you look at your bankruptcy</p> <p>10 petition which is Exhibit 1, on page 17, paragraph</p> <p>11 18, says that you, John Cervini, at the time you</p> <p>12 filed your bankruptcy petition sold 16,978 shares</p> <p>13 of Knightscope valued at \$7,640.</p> <p>14 Correct?</p> <p>15 A Yes, sir.</p> <p>16 Q When Grace purchased \$36,000 worth of</p> <p>17 Knightscope stock, did that, was that in your name</p> <p>18 or in Grace's name?</p> <p>19 A Grace's name.</p> <p>20 Q So Grace also owns shares of</p> <p>21 Knightscope?</p> <p>22 A Yes.</p> <p>23 Q How many shares of stock does, how</p> <p>24 many shares of Knightscope stock does Grace own?</p> <p>25 A I don't know. Whatever, I think it</p>	<p style="text-align: right;">208</p> <p>1 John Raymond Cervini 208</p> <p>2 your bankruptcy petition, the shares that you</p> <p>3 held personally in Knightscope were worth about</p> <p>4 45 cents a share, right, 45 cents times 760?</p> <p>5 A Yes, sir.</p> <p>6 Q That was on March 28, 2024.</p> <p>7 Correct?</p> <p>8 A Yes.</p> <p>9 Q Are you aware that the price of</p> <p>10 Knightscope stock on March 28, 2024 was \$25 per</p> <p>11 share?</p> <p>12 A Twenty-five dollars?</p> <p>13 Q Per share.</p> <p>14 Are you aware of that?</p> <p>15 A On what date?</p> <p>16 Q March 28, 2024.</p> <p>17 A Was --</p> <p>18 MR. BERTUSSI: Twenty-three the</p> <p>19 year before.</p> <p>20 Q Oh. That was twenty-three.</p> <p>21 Do you know what the value of your</p> <p>22 Knightscope was March 28, 2024?</p> <p>23 A Brian, I have no idea. I know it's</p> <p>24 worth dog shit now, excuse my French, so it</p> <p>25 doesn't even matter. It smoked with us in the</p>

<p style="text-align: right;">209</p> <p>1 John Raymond Cervini 209</p> <p>2 beginning. Never again.</p> <p>3 Q Do you know what the price per share</p> <p>4 of stock was on March 28, 2024? If you know.</p> <p>5 A I do not know.</p> <p>6 Q Was it 45 cents a share?</p> <p>7 A I know it wasn't worth much. I don't</p> <p>8 recall exactly what it was.</p> <p>9 Q Back to Exhibit 10, page 226 of 272,</p> <p>10 this is the Signature Bank account for Grace</p> <p>11 account ending in 3480.</p> <p>12 On June 10th you transferred \$300,000</p> <p>13 from account ending in 6622 to the account ending</p> <p>14 in 3480.</p> <p>15 Correct?</p> <p>16 A Yes.</p> <p>17 Q Why?</p> <p>18 A I don't know why we moved this. I</p> <p>19 think we wired it out.</p> <p>20 Q You wired it from one Grace account</p> <p>21 to another?</p> <p>22 A Yes.</p> <p>23 Q Why?</p> <p>24 A To wire it out.</p> <p>25 Q What does that mean?</p>	<p style="text-align: right;">211</p> <p>1 John Raymond Cervini 211</p> <p>2 Q What do you mean on behalf of RC</p> <p>3 Productions?</p> <p>4 A So my brother Rob had struck a deal</p> <p>5 with them to buy a piece of the company, and he</p> <p>6 needed the money so I lent it to RC Productions.</p> <p>7 Q Do you have any documents showing</p> <p>8 that you lent it?</p> <p>9 A Not to my brother, but Snaps and him</p> <p>10 have an agreement.</p> <p>11 Q Do you have an agreement with Snaps?</p> <p>12 A No.</p> <p>13 Q But you transferred almost \$300,000</p> <p>14 to Snaps?</p> <p>15 A To my brother, yes, to his production</p> <p>16 company.</p> <p>17 Q So --</p> <p>18 A I transferred it to them, Snaps</p> <p>19 Ventures, but on behalf of RC Productions.</p> <p>20 Q Right. So on June 10, 2022 you</p> <p>21 transferred almost \$300,000 to Snaps Ventures.</p> <p>22 Correct?</p> <p>23 A Yes.</p> <p>24 Q From Grace.</p> <p>25 A Yes, sir.</p>
<p style="text-align: right;">210</p> <p>1 John Raymond Cervini 210</p> <p>2 A We wired the money out. We wired in</p> <p>3 to wire out of that account.</p> <p>4 We transferred it in, not wired. We</p> <p>5 transferred it in from another account and then</p> <p>6 wired it out.</p> <p>7 Q Where did you transfer it in from?</p> <p>8 A It says online transfer credit</p> <p>9 \$300,000.</p> <p>10 Q Let's look at these one at a time.</p> <p>11 Okay?</p> <p>12 A Yes, sir.</p> <p>13 Q June 10th shows there was \$300,000</p> <p>14 that was transferred in from account 6622.</p> <p>15 Correct?</p> <p>16 A Yes.</p> <p>17 Q And that same day, June 10th, shows</p> <p>18 that you wire transferred out 299,999.94.</p> <p>19 Do you see that?</p> <p>20 A Yes.</p> <p>21 Q Who did you wire that money to?</p> <p>22 A That went to Snaps on behalf of RC</p> <p>23 Productions.</p> <p>24 Q What is Snaps?</p> <p>25 A It's a hat manufacturing company.</p>	<p style="text-align: right;">212</p> <p>1 John Raymond Cervini 212</p> <p>2 Q And Grace doesn't have an agreement</p> <p>3 with Snaps Ventures.</p> <p>4 A No.</p> <p>5 Q That was on June 10th.</p> <p>6 Correct?</p> <p>7 A Yes.</p> <p>8 MS. CURLEY: Can we go off for a</p> <p>9 second.</p> <p>10 (Whereupon, a discussion was</p> <p>11 held off the record.)</p> <p>12 Q Let me start again.</p> <p>13 June 10th you have three hundred</p> <p>14 coming in from account 6622.</p> <p>15 Correct?</p> <p>16 A Yes.</p> <p>17 Q Same day you transferred 299,999.94</p> <p>18 to you said RC Productions, but there is no</p> <p>19 indication on here that that went to RC</p> <p>20 Productions.</p> <p>21 A No, I said Snaps Ventures got money</p> <p>22 but it was on behalf of RC Productions the same</p> <p>23 way that DMan happened.</p> <p>24 Q On June 10th, \$300,000 was wire</p> <p>25 transferred from Grace account 6622 to Grace</p>

<p style="text-align: right;">213</p> <p>1 John Raymond Cervini 213</p> <p>2 account 3480.</p> <p>3 Correct?</p> <p>4 A Yes, sir.</p> <p>5 Q Same day Grace wire transferred</p> <p>6 299,999.94 to Snaps Ventures.</p> <p>7 Correct?</p> <p>8 A Yes, sir.</p> <p>9 Q June 13th, Grace transferred</p> <p>10 299,999.94 from account, from an account to this</p> <p>11 account ending in 3480.</p> <p>12 Correct?</p> <p>13 A Yes.</p> <p>14 Q Okay. The following day Grace wire</p> <p>15 transferred 299,999.94 to Snaps.</p> <p>16 Correct?</p> <p>17 A Yes.</p> <p>18 Q Why did Grace transfer money to this</p> <p>19 account to pay Snaps, why not just pay it directly</p> <p>20 from account number 6622?</p> <p>21 A I told you why before.</p> <p>22 Q Same reason?</p> <p>23 A Same reason. The Signature Bank is</p> <p>24 easier to do wires out of at the time.</p> <p>25 Q So your brother currently owns almost</p>	<p style="text-align: right;">215</p> <p>1 John Raymond Cervini 215</p> <p>2 anywhere in your personal bankruptcy petition?</p> <p>3 A Not to my recollection. The loans are</p> <p>4 reflected in Grace's QuickBooks and its financial</p> <p>5 statements.</p> <p>6 Q So we are looking at Exhibit 42.</p> <p>7 This is Grace's tax return for 2022, page 15 of</p> <p>8 16.</p> <p>9 You're saying the loans receivable,</p> <p>10 that is the 980,000, at least a portion of it</p> <p>11 reflects the loans from Grace to RC Productions</p> <p>12 for Snaps Ventures.</p> <p>13 A Yes, sir.</p> <p>14 Q Does Grace have an American Express</p> <p>15 account?</p> <p>16 A Yes.</p> <p>17 Q How many?</p> <p>18 A Three.</p> <p>19 Q And --</p> <p>20 A Four.</p> <p>21 Q Four.</p> <p>22 What type of accounts are they?</p> <p>23 A (No response)</p> <p>24 Q In other words, are they --</p> <p>25 A Amazon, Marriott, Platinum.</p>
<p style="text-align: right;">214</p> <p>1 John Raymond Cervini 214</p> <p>2 \$600,000 of an interest in Snaps Ventures.</p> <p>3 Correct?</p> <p>4 A RC Productions does.</p> <p>5 Q You don't?</p> <p>6 A I don't.</p> <p>7 Q Grace doesn't?</p> <p>8 A I own a loan.</p> <p>9 Q You own a loan.</p> <p>10 So that loan that was, is that loan</p> <p>11 that was made in 2022 for Snaps Ventures reflected</p> <p>12 in your bankruptcy petition?</p> <p>13 A Is the loan from --</p> <p>14 Q Grace to Snaps Ventures, is that</p> <p>15 reflected in your bankruptcy petition?</p> <p>16 A It wouldn't be to Snaps, it would be</p> <p>17 to RC Productions.</p> <p>18 Q Is that reflected?</p> <p>19 A But Grace didn't file bankruptcy, I</p> <p>20 did, so I'm not understanding.</p> <p>21 You're asking about Grace, not me.</p> <p>22 Correct?</p> <p>23 Q No, I'm asking about you personally.</p> <p>24 Is that loan or those loans to RC</p> <p>25 Productions for Snaps, are those reflected</p>	<p style="text-align: right;">216</p> <p>1 John Raymond Cervini 216</p> <p>2 Q No. Let me ask is it again.</p> <p>3 Does Grace have an American Express</p> <p>4 charge account, right, where you have a credit</p> <p>5 card?</p> <p>6 A Credit card, yes.</p> <p>7 Q How many different charge accounts</p> <p>8 for AmEx does Grace have?</p> <p>9 A It has three.</p> <p>10 Q Those are all in Grace's name?</p> <p>11 A Yes.</p> <p>12 Q None of those statements were</p> <p>13 produced.</p> <p>14 A None of my American Express weren't?</p> <p>15 Yes, they were. I did all of that work.</p> <p>16 Q They weren't produced.</p> <p>17 A There has to be some issue because we</p> <p>18 sent the documents. I'm not --</p> <p>19 MS. CURLEY: I'm almost --</p> <p>20 A She did every credit card we had,</p> <p>21 Brian, you requested.</p> <p>22 MS. CURLEY: Grace credit card</p> <p>23 statements 2019 and line of credit.</p> <p>24 MR. BELOWICH: I didn't see any</p> <p>25 AmEx statements.</p>

<p style="text-align: right;">217</p> <p>1 John Raymond Cervini 217</p> <p>2 A I did whatever I had personally that</p> <p>3 we still had, I sent it.</p> <p>4 MS. CURLEY: Let me go back and</p> <p>5 look at the summary.</p> <p>6 MR. BELOWICH: There were credit</p> <p>7 card statements for different. There</p> <p>8 were no AmEx.</p> <p>9 MS. CURLEY: It says Grace credit</p> <p>10 card statements 2019 to present and</p> <p>11 line of credit. There is the</p> <p>12 Barclays.</p> <p>13 A That's the Jet Blue.</p> <p>14 MS. CURLEY: I think the problem</p> <p>15 was filing for bankruptcy I couldn't</p> <p>16 get statements. Even though you're</p> <p>17 not the primary obligor or signatory,</p> <p>18 they close your account.</p> <p>19 MR. BELOWICH: Just let the</p> <p>20 record reflect Grace's American</p> <p>21 Express statements were not produced.</p> <p>22 Q You have three accounts.</p> <p>23 Do you have, does Grace have an</p> <p>24 American Express bank account or savings account?</p> <p>25 A No, sir.</p>	<p style="text-align: right;">219</p> <p>1 John Raymond Cervini 219</p> <p>2 have an AmEx Amazon, an AmEx Marriott Bonvoy.</p> <p>3 Those are the three.</p> <p>4 MS. CURLEY: Brian --</p> <p>5 A There could be other credit cards.</p> <p>6 That's just total credit card.</p> <p>7 Q Right. I'm trying to figure out --</p> <p>8 MS. CURLEY: Just going back to</p> <p>9 my chart that I submitted with the</p> <p>10 responses.</p> <p>11 It said for the credit card</p> <p>12 statements for Grace I needed to</p> <p>13 subpoena credit card statements</p> <p>14 because he couldn't get them, so we</p> <p>15 couldn't provide them.</p> <p>16 I just know from my experience</p> <p>17 AmEx shuts down all accounts whether</p> <p>18 it's the primary obligor or a</p> <p>19 signatory on it.</p> <p>20 If someone files for bankruptcy</p> <p>21 and once they close it, you can't get</p> <p>22 it online. So it would surprise me</p> <p>23 if you were able to get AmEx.</p> <p>24 MR. BELOWICH: Fine. That's</p> <p>25 fine.</p>
<p style="text-align: right;">218</p> <p>1 John Raymond Cervini 218</p> <p>2 Q Does Grace have an American Express</p> <p>3 loan account?</p> <p>4 A It's a credit card, it's not a loan</p> <p>5 account.</p> <p>6 Q No. Do you have personally any</p> <p>7 American Express accounts?</p> <p>8 A They had been closed.</p> <p>9 Q When?</p> <p>10 A When I filed bankruptcy.</p> <p>11 Q How many did you have before then?</p> <p>12 A Marriott Bonvoy I think was American</p> <p>13 Express.</p> <p>14 Q Any others?</p> <p>15 A I don't recall. I don't think so.</p> <p>16 Q So looking at Exhibit 42 which is</p> <p>17 your, the Grace's 2022 tax return, it says on</p> <p>18 page 15 of 16, Schedule L, line 18, says credit</p> <p>19 card payable end of year is \$95,433.</p> <p>20 What credit card was payable in 2022?</p> <p>21 A This is Grace's account.</p> <p>22 Q Correct.</p> <p>23 What credit card was payable, was that</p> <p>24 AmEx or something else?</p> <p>25 A AmEx. And we had AmEx Platinum, we</p>	<p style="text-align: right;">220</p> <p>1 John Raymond Cervini 220</p> <p>2 My understanding was you couldn't</p> <p>3 get access to your personal credit</p> <p>4 card statements.</p> <p>5 Q Do you still have access to Grace's</p> <p>6 credit card statements?</p> <p>7 A Not to prior, no. Not the prior from</p> <p>8 bankruptcy. They shut your login. It's done.</p> <p>9 You're wiped out.</p> <p>10 Q Do you have new credit cards for Grace</p> <p>11 since you filed for bankruptcy?</p> <p>12 A Just the AmEx.</p> <p>13 Q You have a new AmEx card.</p> <p>14 A Yes. With a new number and new</p> <p>15 everything.</p> <p>16 Q You have a 75 percent ownership</p> <p>17 interest in 200 East Erie LLC.</p> <p>18 Correct?</p> <p>19 A Yes.</p> <p>20 Q Who owns the other 25 percent?</p> <p>21 A Sheila O'Sullivan.</p> <p>22 Q And Sheila O'Sullivan at one point</p> <p>23 worked for Bertussi's.</p> <p>24 Correct?</p> <p>25 A Yes.</p>

<p style="text-align: right;">221</p> <p>1 John Raymond Cervini 221</p> <p>2 Q She works for Grace now?</p> <p>3 A Yes, sir.</p> <p>4 Q How did it come about that you and</p> <p>5 Sheila O'Sullivan became partners in 200 East</p> <p>6 Erie LLC?</p> <p>7 A We had the building we were leasing</p> <p>8 from in West Haverstraw was looking to sell the</p> <p>9 property, and they built the building in the</p> <p>10 back.</p> <p>11 So we knew we had to find some new</p> <p>12 office space, so we started looking to lease and</p> <p>13 we really couldn't find anything, so this came</p> <p>14 about and we sat down and said you know, I said I</p> <p>15 don't have the money for the down payment, but if</p> <p>16 you want to assist in that, then we can buy the</p> <p>17 building.</p> <p>18 Q So --</p> <p>19 A And she wanted out of the shop and</p> <p>20 warehouse and using the same bathroom as the guys</p> <p>21 so this made more sense.</p> <p>22 Q So Grace moved its office to 200 East</p> <p>23 Erie?</p> <p>24 A Yes.</p> <p>25 Q 200 East Erie LLC owns the building</p>	<p style="text-align: right;">223</p> <p>1 John Raymond Cervini 223</p> <p>2 Q Does 200 East Erie LLC keep records</p> <p>3 of how much rental income they receive?</p> <p>4 A Yes.</p> <p>5 Q What kind of records?</p> <p>6 A The checks that it gets every month.</p> <p>7 Q Anything else?</p> <p>8 A I mean, I don't, what other records, I</p> <p>9 don't know.</p> <p>10 Q Have you ever heard of rent roll?</p> <p>11 A Yeah. We, it goes in QuickBooks.</p> <p>12 There is a log of who paid.</p> <p>13 Q When was 200 East Erie LLC formed?</p> <p>14 A When we were going under contract for</p> <p>15 the building I think we formed it.</p> <p>16 Q Do you recall when that was?</p> <p>17 A I do not.</p> <p>18 Q I'm going to show you what's been</p> <p>19 marked as Exhibit 19.</p> <p>20 Do you recognize this document?</p> <p>21 A Yes.</p> <p>22 Q What do you recognize it to be?</p> <p>23 A It's an operating agreement.</p> <p>24 Q For what?</p> <p>25 A 200 East Erie.</p>
<p style="text-align: right;">222</p> <p>1 John Raymond Cervini 222</p> <p>2 at 200 East Erie.</p> <p>3 Correct?</p> <p>4 A Yes.</p> <p>5 Q Does Grace pay rent to 200 East Erie?</p> <p>6 A Yes. Market rent.</p> <p>7 Q What is the rent each month?</p> <p>8 A I think it's 3,500, 4,000 a month,</p> <p>9 something like that.</p> <p>10 Q Are there any other tenants in the</p> <p>11 building?</p> <p>12 A Yes.</p> <p>13 Q How many?</p> <p>14 A Four.</p> <p>15 Q Do those tenants pay rent?</p> <p>16 A Yes.</p> <p>17 Q Are they related, those tenants</p> <p>18 related in any way to you or Grace, or are they</p> <p>19 independent?</p> <p>20 A No, one is CWA Verizon union</p> <p>21 Communications Workers, another one is adult</p> <p>22 people with disabilities, another one is people</p> <p>23 just moving there.</p> <p>24 It used to be a financial advisor,</p> <p>25 and there is an accountant and lawyer above us.</p>	<p style="text-align: right;">224</p> <p>1 John Raymond Cervini 224</p> <p>2 Q The date is April 29, 2022.</p> <p>3 Correct?</p> <p>4 A Yes.</p> <p>5 Q And if you look at page 18 of 19,</p> <p>6 there are two signatures.</p> <p>7 Do you recognize the signatures?</p> <p>8 A Yes, sir.</p> <p>9 Q Whose signatures are they?</p> <p>10 A John Cervini and Sheila O'Sullivan.</p> <p>11 Q Did you sign this on or about</p> <p>12 April 29, 2022?</p> <p>13 A Yes.</p> <p>14 Q If you look at the first whereas</p> <p>15 clause on the first page, it indicates that</p> <p>16 200 East Erie LLC was formed on December 1, 2021.</p> <p>17 Do you see that?</p> <p>18 A Yes.</p> <p>19 Q Is that in fact when the company was</p> <p>20 formed?</p> <p>21 A I don't recall exactly. I know the</p> <p>22 attorney was forming it that was doing the</p> <p>23 closing.</p> <p>24 Q Who is the attorney?</p> <p>25 A I don't remember. I can get it for</p>

<p style="text-align: right;">225</p> <p>1 John Raymond Cervini 225</p> <p>2 you if you need it.</p> <p>3 Q Looking at the last page of Exhibit</p> <p>4 19, it says the two members are you and Sheila</p> <p>5 O'Sullivan.</p> <p>6 Do you see that?</p> <p>7 A Yes.</p> <p>8 Q Then it says that you have an</p> <p>9 81 percent interest and Sheila O'Sullivan has a</p> <p>10 19 percent interest.</p> <p>11 Do you see that?</p> <p>12 A Yes.</p> <p>13 Q It also says that you contributed</p> <p>14 \$58,750, and Sheila O'Sullivan for her 19 percent</p> <p>15 contributed \$223,250.</p> <p>16 Do you see that?</p> <p>17 A Yes, sir.</p> <p>18 Q Do you know how these numbers were</p> <p>19 arrived at?</p> <p>20 A I think that was 19 percent of the</p> <p>21 purchase price.</p> <p>22 Q And why did Sheila O'Sullivan have a</p> <p>23 19 percent interest if she made a capital</p> <p>24 contribution that is more than four times what</p> <p>25 you're supposed to contribute according to this</p>	<p style="text-align: right;">227</p> <p>1 John Raymond Cervini 227</p> <p>2 A Yes.</p> <p>3 Q Did you and Sheila O'Sullivan sign</p> <p>4 this document on or about --</p> <p>5 A Yes.</p> <p>6 Q -- December 9, 2022?</p> <p>7 A Yes.</p> <p>8 Q It says in the second whereas clause,</p> <p>9 Cervini and O'Sullivan wish to change the</p> <p>10 percentage interests of the members and set forth</p> <p>11 the terms of distributions to the members.</p> <p>12 Do you see that?</p> <p>13 A Yes.</p> <p>14 Q Why did you want to change the</p> <p>15 interest?</p> <p>16 A Because Sheila was supposed to get</p> <p>17 more than the 19 percent. She is supposed to</p> <p>18 have 25.</p> <p>19 Q So you changed it from 75 percent to</p> <p>20 25 percent?</p> <p>21 A Yes.</p> <p>22 Q You didn't change the capital</p> <p>23 contribution amount at all?</p> <p>24 A No.</p> <p>25 Q Why not?</p>
<p style="text-align: right;">226</p> <p>1 John Raymond Cervini 226</p> <p>2 document?</p> <p>3 A Because I was going to personally</p> <p>4 guarantee the loan.</p> <p>5 Q Did you do that?</p> <p>6 A Yes.</p> <p>7 Q Did these percentages change at any</p> <p>8 point, 81 percent and 19 percent?</p> <p>9 A Yes.</p> <p>10 Q When?</p> <p>11 A I don't recall.</p> <p>12 Q Why?</p> <p>13 A Because that's what I wanted to do.</p> <p>14 I think she deserved to own more of the building.</p> <p>15 Q Showing you what's been marked as</p> <p>16 Exhibit 20.</p> <p>17 Do you recognize this document?</p> <p>18 A Yes.</p> <p>19 Q What is it?</p> <p>20 A Looks like an amendment to the</p> <p>21 operating agreement.</p> <p>22 Q For 200 East Erie LLC?</p> <p>23 A Yes.</p> <p>24 Q If you look at the last page, second</p> <p>25 to last page, do you recognize the signatures?</p>	<p style="text-align: right;">228</p> <p>1 John Raymond Cervini 228</p> <p>2 A Because it didn't change.</p> <p>3 Q Did you actually make a capital</p> <p>4 contribution of 58,750 or any other amount?</p> <p>5 A Grace Contracting.</p> <p>6 Q Is Grace Contracting a member of</p> <p>7 200 East Erie LLC?</p> <p>8 A It's a, it's also a guarantor of the</p> <p>9 loan on the building.</p> <p>10 Q But to be clear, Grace Contracting is</p> <p>11 not a member of this limited liability company.</p> <p>12 Correct?</p> <p>13 A No. It's on the mortgage, not on the</p> <p>14 company that owns it.</p> <p>15 Q But the statement I made is correct.</p> <p>16 Right?</p> <p>17 I will ask it this way:</p> <p>18 A I'm sorry.</p> <p>19 Q You personally have a 75 percent</p> <p>20 ownership interest in 200 East Erie LLC.</p> <p>21 Correct?</p> <p>22 A Yes.</p> <p>23 Q Does Grace Contracting have any</p> <p>24 ownership interest in 200 East Erie LLC?</p> <p>25 A I don't recall, no.</p>

<p style="text-align: right;">229</p> <p>1 John Raymond Cervini 229</p> <p>2 Q Did Sheila O'Sullivan to the best of</p> <p>3 your knowledge make a capital contribution of</p> <p>4 \$223,250?</p> <p>5 A Yes.</p> <p>6 Q Sheila O'Sullivan works for Grace.</p> <p>7 Right?</p> <p>8 A Yes.</p> <p>9 Q Where did she get \$223,250 from, do</p> <p>10 you know?</p> <p>11 A I think they flipped a couple of</p> <p>12 properties, her and her husband, and they had a</p> <p>13 farm in Ireland, so they sold and had some money</p> <p>14 in different areas. I really didn't ask why she</p> <p>15 had it.</p> <p>16 Q Do you have any documents showing</p> <p>17 that Sheila made any capital contributions to</p> <p>18 200 East Erie LLC?</p> <p>19 A I'm sure we have the canceled checks</p> <p>20 or wires.</p> <p>21 Q All right. Well, I ask that those be</p> <p>22 produced.</p> <p>23 We received some bank statements for</p> <p>24 200 East Erie LLC but we did not receive any for</p> <p>25 the period from March to June 2022, which is when</p>	<p style="text-align: right;">231</p> <p>1 John Raymond Cervini 231</p> <p>2 knowledge?</p> <p>3 A Yes. I haven't fully reviewed it but</p> <p>4 yes.</p> <p>5 Q Has this been amended at all?</p> <p>6 A I don't recall, Brian.</p> <p>7 Q If you look at the K-1, just bear</p> <p>8 with me for a second, here it is, your K-1 which</p> <p>9 is page 8 to 18 says the capital contributed</p> <p>10 during the year 2022 was 46,863.</p> <p>11 Do you see that?</p> <p>12 A Yes.</p> <p>13 Q Is that number accurate?</p> <p>14 A I, we have been going back and forth</p> <p>15 with this, her and I, because those numbers don't</p> <p>16 look correct. And I don't know how the</p> <p>17 accountant, we don't really log 200 East, we just</p> <p>18 collect the rent and third-party accountants do</p> <p>19 all that stuff. So I think they might have</p> <p>20 capital account incorrect.</p> <p>21 Q Whatever the amount is --</p> <p>22 A And I don't know. Like Grace paid</p> <p>23 for two air conditioning units on the building so</p> <p>24 it lent money to the LLC. So I don't know if</p> <p>25 that reflects in the capital contribution. I</p>
<p style="text-align: right;">230</p> <p>1 John Raymond Cervini 230</p> <p>2 the capital contribution would have been made.</p> <p>3 We also didn't receive any statements</p> <p>4 for August to November of 2022. We sent two</p> <p>5 letters and got no response.</p> <p>6 A Say that again. August when?</p> <p>7 Q We did not receive any statements</p> <p>8 from March to June 2022 or August to November</p> <p>9 2022.</p> <p>10 A Okay.</p> <p>11 (REQUEST) _____</p> <p>12 Q Let me show you what's been marked as</p> <p>13 Exhibit 21.</p> <p>14 Do you recognize this document?</p> <p>15 A Looks to me like a tax return for</p> <p>16 East Erie.</p> <p>17 Q This is a tax return for East Erie LLC</p> <p>18 for 2022.</p> <p>19 Correct?</p> <p>20 A Yes.</p> <p>21 Q Was this tax return filed?</p> <p>22 A To the best of my knowledge it was</p> <p>23 filed, yes.</p> <p>24 Q Is all of the information in that tax</p> <p>25 return true and correct to the best of your</p>	<p style="text-align: right;">232</p> <p>1 John Raymond Cervini 232</p> <p>2 don't know exactly. I would have to ask the</p> <p>3 accountant.</p> <p>4 Q Whatever the amount is on page 8,</p> <p>5 whether it's 46,000 or the number that's reflected</p> <p>6 in Exhibit 20 which is \$58,750, they are both</p> <p>7 wrong, right? You didn't contribute any money to</p> <p>8 200 East Erie, did you?</p> <p>9 A What do you mean?</p> <p>10 Q Did John Cervini contribute any money</p> <p>11 as a capital contribution to 200 East Erie LLC?</p> <p>12 A No, Grace Contracting.</p> <p>13 Q What was the purchase price for</p> <p>14 200 East Erie LLC?</p> <p>15 A I don't recall. A million one I</p> <p>16 think? A million one-fifty? Something like that.</p> <p>17 A million fifty.</p> <p>18 Q Do you remember when it was purchased?</p> <p>19 A I think two-and-a half years ago we</p> <p>20 bought it. The last two, three years.</p> <p>21 Q Let me show you what's been marked as</p> <p>22 Exhibit 24. This is a recorded copy of the deed</p> <p>23 to 200 East Erie LLC.</p> <p>24 Do you recognize it?</p> <p>25 A Yes.</p>

<p style="text-align: right;">233</p> <p>1 John Raymond Cervini 233</p> <p>2 Q If you look at the last page, page 5</p> <p>3 of 5, there is a signature above the name John R.</p> <p>4 Cervini, member.</p> <p>5 Is that your signature?</p> <p>6 A That is my signature.</p> <p>7 Q You signed this on or about May 9,</p> <p>8 2022?</p> <p>9 A Yes.</p> <p>10 Q Is that when the purchase of 200 East</p> <p>11 Erie Street closed?</p> <p>12 A I think so.</p> <p>13 Q Were you at the closing?</p> <p>14 A Yes.</p> <p>15 Q Who else was there?</p> <p>16 A Joe.</p> <p>17 Q Joe who?</p> <p>18 A Montana. He is a owner of Montana</p> <p>19 Contracting. I bought the building from him.</p> <p>20 Q Where did the closing take place?</p> <p>21 A In the KeyBank office on College</p> <p>22 Avenue, the upstairs offices, in their conference</p> <p>23 room.</p> <p>24 Q That's where Grace and you have bank</p> <p>25 accounts.</p>	<p style="text-align: right;">235</p> <p>1 John Raymond Cervini 235</p> <p>2 Is that the correct sales price?</p> <p>3 A Yes, sir.</p> <p>4 Q You said Grace paid \$20,000 of the</p> <p>5 purchase price, is that right, you were short and</p> <p>6 so Grace paid \$20,000?</p> <p>7 A Of what it was short, yeah.</p> <p>8 Q So of that 1.175 million, 20,000 at</p> <p>9 least came from Grace.</p> <p>10 A And the initial down payment deposit</p> <p>11 came from Grace.</p> <p>12 Q How much was that?</p> <p>13 A I don't recall.</p> <p>14 Q Why did Grace make the deposit for</p> <p>15 that property?</p> <p>16 A To buy it.</p> <p>17 Q Grace wasn't a member of that entity,</p> <p>18 was it?</p> <p>19 A No, but it was going to be a tenant</p> <p>20 there where our office is.</p> <p>21 Q Did Sheila O'Sullivan pay any portion</p> <p>22 of the \$1.175 million price?</p> <p>23 A Yes. Nineteen percent of the purchase</p> <p>24 price.</p> <p>25 Q You said that would be reflected in</p>
<p style="text-align: right;">234</p> <p>1 John Raymond Cervini 234</p> <p>2 Right?</p> <p>3 A Yes.</p> <p>4 Q Do you remember taking \$20,000 out of</p> <p>5 Grace account at the time of the closing?</p> <p>6 A Yeah. I think we were short and Grace</p> <p>7 made up that difference.</p> <p>8 Q So Grace paid \$20,000 toward the</p> <p>9 purchase price?</p> <p>10 A Yes. I think the difference between</p> <p>11 the closing and the loan and the purchase price,</p> <p>12 et cetera.</p> <p>13 Q I'm looking at Exhibit 9, page 165 of</p> <p>14 270, and it says on May 9th withdrawal at branch</p> <p>15 \$20,000.</p> <p>16 Do you see that?</p> <p>17 A Yes.</p> <p>18 Q So you withdrew \$20,000 from the</p> <p>19 branch on that date?</p> <p>20 A I withdrew, I mean it was paid to the</p> <p>21 closing so --</p> <p>22 Q It was paid from Grace.</p> <p>23 A Yes, sir.</p> <p>24 Q Going back to the deed, the last page</p> <p>25 says the full sale price was \$1,175,000.</p>	<p style="text-align: right;">236</p> <p>1 John Raymond Cervini 236</p> <p>2 Erie's bank records?</p> <p>3 A Absolutely.</p> <p>4 Q Do you recall that 200 East Erie LLC</p> <p>5 took out a loan in connection with the purchase</p> <p>6 of this property?</p> <p>7 A Outside of the mortgage?</p> <p>8 Q No, the mortgage.</p> <p>9 A Yes, yes, with KeyBank.</p> <p>10 Q What was the amount?</p> <p>11 A That, I don't remember exactly.</p> <p>12 Q Do you recall it was \$940,000?</p> <p>13 A Yeah; eight-something, nine hundred,</p> <p>14 like that.</p> <p>15 Q I show you what's been marked as</p> <p>16 Exhibit 23.</p> <p>17 Do you recognize this?</p> <p>18 A Okay. Yes.</p> <p>19 Q Is this a closing statement for the</p> <p>20 \$940,000 mortgage on 200 East Erie?</p> <p>21 A Yes, sir.</p> <p>22 Q And it said the loan amount is</p> <p>23 \$940,000.</p> <p>24 Is that accurate?</p> <p>25 A Yes, Brian.</p>

<p style="text-align: right;">237</p> <p>1 John Raymond Cervini 237</p> <p>2 Q Look at page 2, the disbursement of</p> <p>3 loan proceeds. It says that, it says 200 East</p> <p>4 Erie Street Co LLC, 483,406.91.</p> <p>5 Do you see that?</p> <p>6 A Yes.</p> <p>7 Q Was that amount disbursed or paid to</p> <p>8 200 East Erie LLC?</p> <p>9 A No. No. So that's 200 East Erie</p> <p>10 Street Co. Ours is just 200 East Erie Street</p> <p>11 LLC.</p> <p>12 Q Different entity?</p> <p>13 A That's the entity that originally</p> <p>14 owned the property and that was paying off their</p> <p>15 mortgage I think. That was paid to them. That's</p> <p>16 their proceeds and their mortgage was to Orange</p> <p>17 Bank & Trust 4404.</p> <p>18 Q Got it.</p> <p>19 A And the rest were just title recording</p> <p>20 fees, et cetera.</p> <p>21 Q This mortgage was taken out in May of</p> <p>22 2022.</p> <p>23 I show you what's been marked -- just</p> <p>24 give me a second.</p> <p>25 THE WITNESS: Do you have like a</p>	<p style="text-align: right;">239</p> <p>1 John Raymond Cervini 239</p> <p>2 for 1.175 million.</p> <p>3 Correct?</p> <p>4 A Yes, sir.</p> <p>5 Q And it's listed in your 2022 tax</p> <p>6 return as having a value of \$940,000.</p> <p>7 Right?</p> <p>8 A Yes.</p> <p>9 Q And you don't know why that is?</p> <p>10 A I have to speak to the accountant on</p> <p>11 that one.</p> <p>12 Q Do you know what the balance on the</p> <p>13 mortgage was at the time that you filed your 2022</p> <p>14 tax return for Erie?</p> <p>15 A No. The date of when this was filed</p> <p>16 I don't know.</p> <p>17 When was this filed? I would imagine</p> <p>18 that it's less than the loan amount because we</p> <p>19 were paying it. So it should be going down.</p> <p>20 Q I show you Petition, Exhibit 1, page</p> <p>21 23 of 57.</p> <p>22 A Yeah. There it is.</p> <p>23 Q Paragraph 22 says that the amount</p> <p>24 that's owed on the mortgage for 200 East Erie is</p> <p>25 879,505.64.</p>
<p style="text-align: right;">238</p> <p>1 John Raymond Cervini 238</p> <p>2 section you're doing?</p> <p>3 MR. BELOWICH: Go ahead.</p> <p>4 (Whereupon, a brief recess was</p> <p>5 taken.)</p> <p>6 Q Exhibit 21, page 6 of 18, line 9-A,</p> <p>7 this is the 200 East Erie LLC tax return for</p> <p>8 2022. It says end of tax year building value is</p> <p>9 \$940,000.</p> <p>10 Do you see that?</p> <p>11 A Yes.</p> <p>12 Q You bought the property in 2022 for</p> <p>13 1.175 million.</p> <p>14 Correct?</p> <p>15 A Yes.</p> <p>16 Q And so do you know how the value of</p> <p>17 the building that same year is 940,000, which is</p> <p>18 the amount of the loan?</p> <p>19 A I do not. I have to ask the</p> <p>20 accountant. Depreciation? Where is depreciation.</p> <p>21 Depreciation asset is 23,000 -- no.</p> <p>22 Q You'd agree with me you and Sheila</p> <p>23 O'Sullivan -- strike that.</p> <p>24 200 East Erie LLC purchased the</p> <p>25 property at 200 East Erie Street in May of 2022</p>	<p style="text-align: right;">240</p> <p>1 John Raymond Cervini 240</p> <p>2 Correct?</p> <p>3 A Yes.</p> <p>4 Q Was that the amount that was due at</p> <p>5 the time the bankruptcy petition was filed?</p> <p>6 A To the best of my knowledge, yes. I</p> <p>7 think we provided a mortgage statement at the</p> <p>8 time.</p> <p>9 Q Do you know what the current value is</p> <p>10 of the property at 200 East Erie?</p> <p>11 A I think we provided appraisal.</p> <p>12 Q Do you remember as you sit here?</p> <p>13 A No.</p> <p>14 Q Looking at Exhibit 50 which is your</p> <p>15 Subchapter V plan, page 9, says payable to</p> <p>16 S. Sullivan. That's Sheila O'Sullivan.</p> <p>17 Correct?</p> <p>18 A Yes.</p> <p>19 Q 223,250.</p> <p>20 Do you see that?</p> <p>21 A Yes, sir.</p> <p>22 Q Do you know what that number</p> <p>23 represents?</p> <p>24 A A portion of what she's owed for the</p> <p>25 building.</p>

<p style="text-align: right;">241</p> <p>1 John Raymond Cervini 241</p> <p>2 Q Has she been, "she" being Sheila</p> <p>3 O'Sullivan, been paid back any portion of that</p> <p>4 amount?</p> <p>5 A No.</p> <p>6 Q And looking at page 9 of Exhibit 50,</p> <p>7 it says based on evaluation report, the property</p> <p>8 is valued at between \$1.1 and \$1.3 million.</p> <p>9 Do you see that?</p> <p>10 A Yes, sir.</p> <p>11 Q I'm showing you what's been marked as</p> <p>12 Exhibit 48.</p> <p>13 Do you recognize this document?</p> <p>14 A Yes.</p> <p>15 Q What is it?</p> <p>16 A It's a competitive market analysis for</p> <p>17 200 East Erie.</p> <p>18 Q This is a market analysis, it's not a</p> <p>19 valuation report.</p> <p>20 Correct?</p> <p>21 A Yes.</p> <p>22 Q Yes, that's correct?</p> <p>23 A Yes, that's correct.</p> <p>24 Q It's not an appraisal?</p> <p>25 A No.</p>	<p style="text-align: right;">243</p> <p>1 John Raymond Cervini 243</p> <p>2 Q Did he go to the property?</p> <p>3 A He has been in there, yes. He leases</p> <p>4 our tenant so he has been there.</p> <p>5 Q There are no photos of the interior</p> <p>6 of this property as part of the comparative market</p> <p>7 analysis, are there?</p> <p>8 A I don't know.</p> <p>9 Q Do you see any?</p> <p>10 A I do not.</p> <p>11 Q Did you provide Nicholas Cuomo with</p> <p>12 rent roll or other financials in order to prepare</p> <p>13 this analysis?</p> <p>14 A I don't recall.</p> <p>15 Q Did you pay for this analysis?</p> <p>16 A I think we did.</p> <p>17 Q Who is "we"?</p> <p>18 A The entity.</p> <p>19 Q 200 East Erie LLC?</p> <p>20 A I think so.</p> <p>21 Q Are you sure it wasn't Grace?</p> <p>22 A I don't remember, Brian. Maybe Grace</p> <p>23 paid.</p> <p>24 Q If you look at the last page of this</p> <p>25 document, second to last page, page 12 of 13, it</p>
<p style="text-align: right;">242</p> <p>1 John Raymond Cervini 242</p> <p>2 Q What is the purpose of this analysis,</p> <p>3 if you know?</p> <p>4 A To give you guys a value. You asked</p> <p>5 for a value of the property.</p> <p>6 Q And was this analysis performed by</p> <p>7 Nicholas Cuomo on or about March 20, 2024?</p> <p>8 A Yes.</p> <p>9 Q Who is Nicholas Cuomo?</p> <p>10 A Broker that we work with. He does</p> <p>11 rentals in the building.</p> <p>12 Q Who is "we"?</p> <p>13 A Sheila and I, or the company. He got</p> <p>14 us a tenant on the bottom and he just got us</p> <p>15 another tenant upstairs.</p> <p>16 I tried to get an appraiser but</p> <p>17 commercial appraiser wasn't that easy to figure</p> <p>18 out.</p> <p>19 Q Why not?</p> <p>20 A I didn't know anybody.</p> <p>21 Q You knew Nicolas Cuomo.</p> <p>22 A Yeah. He's a realtor though.</p> <p>23 Q What did you ask him to do?</p> <p>24 A Can you prepare what the value you</p> <p>25 think the property is.</p>	<p style="text-align: right;">244</p> <p>1 John Raymond Cervini 244</p> <p>2 says after analyzing your property, comparable</p> <p>3 properties on the market, new recent sales and</p> <p>4 comparable properties that failed to sell, I</p> <p>5 conclude that in the current market your property</p> <p>6 is most likely to sell for \$1.225 million.</p> <p>7 Do you see that?</p> <p>8 A Yes.</p> <p>9 Q You list in your Subchapter V plan</p> <p>10 that the property is worth 1.175, not 1.25.</p> <p>11 Right?</p> <p>12 A Yes.</p> <p>13 Q Why?</p> <p>14 A I'm not sure. I have to talk to my</p> <p>15 attorney.</p> <p>16 MS. CURLEY: His attorney says</p> <p>17 there was probably a typo. I will</p> <p>18 correct that.</p> <p>19 MR. BELOWICH: So the value</p> <p>20 should be 1.225?</p> <p>21 MS. CURLEY: We can -- yes. We</p> <p>22 could get it officially appraised.</p> <p>23 We know somebody who could appraise</p> <p>24 it if the value is disputed.</p> <p>25 There is a cost benefit analysis</p>

<p style="text-align: right;">245</p> <p>1 John Raymond Cervini 245</p> <p>2 because commercial, an agency</p> <p>3 appraisal could cost a couple of</p> <p>4 thousand dollars. And if it's going</p> <p>5 to cost more to get the appraisal</p> <p>6 than that disputed value, we will try</p> <p>7 to discuss that issue instead.</p> <p>8 MR. BELOWICH: Okay.</p> <p>9 Q Going back to the payable to Sheila</p> <p>10 O'Sullivan for \$223,250, can you explain to me</p> <p>11 why that money is supposed to be paid to Sheila</p> <p>12 O'Sullivan?</p> <p>13 A Why is it supposed to be paid to her?</p> <p>14 Q Yes.</p> <p>15 A Because that's our agreement, that any</p> <p>16 money or proceeds go to pay her first.</p> <p>17 Q So then the money that she paid that</p> <p>18 you said was a capital contribution was really a</p> <p>19 loan then. It wasn't a capital contribution if</p> <p>20 it was going to be paid back.</p> <p>21 A Well, it would be paid back upon a</p> <p>22 sale or refinance, something where there was a</p> <p>23 amount of money to be received.</p> <p>24 Q When you say this "agreement," is</p> <p>25 there anything in writing?</p>	<p style="text-align: right;">247</p> <p>1 John Raymond Cervini 247</p> <p>2 her name is.</p> <p>3 Q Who is Greg?</p> <p>4 A Greg is Jeff's father.</p> <p>5 Q Who is Geoff?</p> <p>6 A One of the owners. I think it's</p> <p>7 Winfield Management they own.</p> <p>8 Q Is "Greg" Gregory Scott?</p> <p>9 A Yes. And Geoff Scott, G-E-O-F-F, is</p> <p>10 his son.</p> <p>11 Q Gregory Scott owns a company called</p> <p>12 Winfield Management LLC.</p> <p>13 Correct?</p> <p>14 A Yes,</p> <p>15 Q And how did you come to meet Geoff</p> <p>16 Scott? Do you know Geoff Scott?</p> <p>17 A Yes.</p> <p>18 Q Who is he, how did you come to meet</p> <p>19 him?</p> <p>20 A So my brother Robert is very good</p> <p>21 friends, and he works with Jersey Filmmakers</p> <p>22 which is his buddy Anthony, and Greg is married</p> <p>23 to Anthony's mother, well, his father passed away</p> <p>24 and then married, so he knows him through that</p> <p>25 relationship.</p>
<p style="text-align: right;">246</p> <p>1 John Raymond Cervini 246</p> <p>2 A I think in the amendment that's</p> <p>3 there.</p> <p>4 Q The amendment to the operating</p> <p>5 agreement.</p> <p>6 A Yes, I think so.</p> <p>7 Q Looking at Exhibit 50, page 9, on the</p> <p>8 top of the page it says Grace Contracting has a</p> <p>9 minority interest in 1003 Myrtle which is the</p> <p>10 development project for a fourteen lot single-</p> <p>11 family subdivision in Valrico, Florida.</p> <p>12 Do you see that?</p> <p>13 A Yes, sir.</p> <p>14 Q What percentage ownership does Grace</p> <p>15 have in that entity?</p> <p>16 A I don't recall exactly. It's in the</p> <p>17 document somewhere.</p> <p>18 Q 27.875?</p> <p>19 A Something like that, 27.9, whatever it</p> <p>20 is.</p> <p>21 Q Who owns the remaining percentage or</p> <p>22 percentages?</p> <p>23 A There is two other partners which is</p> <p>24 Greg and Geoff and their companies, and then</p> <p>25 there is Dave O'Keefe and his wife Marisol I think</p>	<p style="text-align: right;">248</p> <p>1 John Raymond Cervini 248</p> <p>2 Q How did you come to be partners with</p> <p>3 the individuals or entities that you just</p> <p>4 identified with respect to 1003 Myrtle LLC?</p> <p>5 A He knew they did real estate</p> <p>6 investments and they did stuff out West and stuff</p> <p>7 in Jersey. And they just put us together and</p> <p>8 said hey, what do you guys got going on, what are</p> <p>9 you looking for, and we just spoke.</p> <p>10 And Dave and Marisol I knew for many</p> <p>11 years through, they do doors and hardware for us.</p> <p>12 So I knew them through the business relationship</p> <p>13 from my father and uncles.</p> <p>14 Q Do you recall when 1003 Myrtle Estates</p> <p>15 LLC was formed?</p> <p>16 A I don't know if it was formed before</p> <p>17 we closed, before we closed it was formed, but I</p> <p>18 don't know.</p> <p>19 It was in August or a little bit</p> <p>20 before then. It might have been a little bit</p> <p>21 before because we had to get paperwork registered</p> <p>22 and Florida takes a lot of time.</p> <p>23 Q I'm showing you Exhibit 25 which is a</p> <p>24 copy of the Articles of Organization for 1003</p> <p>25 Myrtle Estates LLC that was filed with the</p>

<p style="text-align: right;">249</p> <p>1 John Raymond Cervini 249</p> <p>2 Florida Secretary of State.</p> <p>3 Do you recognize this document?</p> <p>4 A Yes, sir.</p> <p>5 Q Did you authorize this document to be</p> <p>6 filed with the Florida Secretary of State?</p> <p>7 A Yes, sir.</p> <p>8 Q Does this refresh your recollection</p> <p>9 as to when the entity was formed?</p> <p>10 A From what I see it says May 12, 2023.</p> <p>11 Q Your address is listed as 902 Tomahawk</p> <p>12 Trail in Brandon, Florida.</p> <p>13 Do you see that?</p> <p>14 A Yes.</p> <p>15 Q Is that your address?</p> <p>16 A No.</p> <p>17 Q Whose address is that?</p> <p>18 A It's my brother's house but I needed</p> <p>19 to have a Florida address.</p> <p>20 Q Which brother?</p> <p>21 A Christopher, my oldest brother.</p> <p>22 Q Why did you need to have a Florida</p> <p>23 address?</p> <p>24 A When you have a Florida entity you</p> <p>25 need to have a registered agent in Florida. So</p>	<p style="text-align: right;">251</p> <p>1 John Raymond Cervini 251</p> <p>2 A Yes, sir.</p> <p>3 Q You signed this on behalf of Grace.</p> <p>4 Right?</p> <p>5 A Yes.</p> <p>6 Q It says owner as manager of Myrtle</p> <p>7 Estates LLC.</p> <p>8 Do you know what that means?</p> <p>9 A The managing member of Myrtle Estates.</p> <p>10 Q Who is the managing member?</p> <p>11 A Me.</p> <p>12 Q If you look at the top of the page,</p> <p>13 20 of 21, it says Grace has 18.25 units plus 9.625</p> <p>14 units unallocated.</p> <p>15 Do you know what that means?</p> <p>16 A Yes.</p> <p>17 Q What does it mean?</p> <p>18 A It means that it totals the 9.265</p> <p>19 plus the 18.25. Combine them and that's the total</p> <p>20 it owns percentage-wise.</p> <p>21 Q It says that Grace has made or is</p> <p>22 going to make a capital contribution in the amount</p> <p>23 of \$292,000.</p> <p>24 Do you see that?</p> <p>25 A At the time it had made that</p>
<p style="text-align: right;">250</p> <p>1 John Raymond Cervini 250</p> <p>2 you can either pay someone to be a registered</p> <p>3 agent like your attorney or somebody like that.</p> <p>4 So I just figured save the money and he said no</p> <p>5 problem, use my address.</p> <p>6 Q So you're the registered agent for</p> <p>7 1003 Myrtle?</p> <p>8 A Yes, sir.</p> <p>9 Q You're also the managing member of</p> <p>10 that entity.</p> <p>11 A Yes, sir.</p> <p>12 Q Showing you what's been marked as</p> <p>13 Exhibit 26.</p> <p>14 Do you recognize this document?</p> <p>15 A Looks like an operating agreement for</p> <p>16 1003 Myrtle Estates.</p> <p>17 Q If you look at the last page, 21 of</p> <p>18 21, I'm sorry, the second to last page, 20 of 21,</p> <p>19 there are electronic signatures above the name</p> <p>20 John Cervini.</p> <p>21 Did you electronically sign this</p> <p>22 document?</p> <p>23 A Yes.</p> <p>24 Q Did you electronically sign it on or</p> <p>25 about August 24, 2023?</p>	<p style="text-align: right;">252</p> <p>1 John Raymond Cervini 252</p> <p>2 contribution to the project, yes.</p> <p>3 Q So Grace paid \$292,000 to what entity</p> <p>4 for that contribution, do you know?</p> <p>5 A It paid it for the deposit, it paid</p> <p>6 it to attorneys, paid it to land surveyors, I</p> <p>7 think we needed some geotechnical, all different</p> <p>8 expenses that we paid for and then we calculated</p> <p>9 that as a contribution.</p> <p>10 Q So the \$65,000 that you testified to</p> <p>11 earlier, that was one of the payments that was</p> <p>12 made for this project?</p> <p>13 A Was included in that amount, that</p> <p>14 deposit, yes, sir.</p> <p>15 Q I'm showing you what's been marked as</p> <p>16 Exhibit 27. These are bank account statements</p> <p>17 for Orange Bank & Trust account number 9466 for</p> <p>18 1003 Myrtle Estates LLC.</p> <p>19 Correct?</p> <p>20 A Yes.</p> <p>21 Q You opened this account in August of</p> <p>22 2023.</p> <p>23 Correct?</p> <p>24 A I think so, yes.</p> <p>25 Q The first deposit that you made was</p>

<p style="text-align: right;">253</p> <p>1 John Raymond Cervini 253</p> <p>2 on August 21 -- August 22, 2023, correct? August</p> <p>3 31st. I'm sorry.</p> <p>4 A That's the ending dash. Beginning</p> <p>5 balance is zero.</p> <p>6 Q Sorry. Let me ask this again.</p> <p>7 The first deposit that you made was</p> <p>8 or that was made into the account was from David</p> <p>9 O'Keefe. That was one of the partners.</p> <p>10 Correct?</p> <p>11 A Yes.</p> <p>12 Q That was for \$200,000.</p> <p>13 A Yes.</p> <p>14 Q Then on August 31st there were two</p> <p>15 deposits. One for 30,000 and one for 170,000.</p> <p>16 Correct?</p> <p>17 A Yes.</p> <p>18 Q Where did that money come from, those</p> <p>19 two deposits?</p> <p>20 A That money came from my Orange Bank</p> <p>21 account which was part of the proceeds of my house</p> <p>22 in Newark.</p> <p>23 Q From your personal bank account.</p> <p>24 A I, yes. It was paid to this entity</p> <p>25 on Grace behalf. I wired it.</p>	<p style="text-align: right;">255</p> <p>1 John Raymond Cervini 255</p> <p>2 I'm not sure.</p> <p>3 Q Well, is that \$30,000 the \$30,000</p> <p>4 deposit that we saw into Myrtle's account?</p> <p>5 A Yes. I'm sorry. I apologize, Brian.</p> <p>6 Q So that \$30,000 came from your account</p> <p>7 ending in 8273.</p> <p>8 Correct?</p> <p>9 A Yes, sir.</p> <p>10 Q If you look at Exhibit 44, these are</p> <p>11 your account statements for Orange Bank & Trust</p> <p>12 account ending 2144.</p> <p>13 Correct?</p> <p>14 A Yes.</p> <p>15 Q And if you go to August 3, 2023, there</p> <p>16 was a \$250,000 deposit.</p> <p>17 Right?</p> <p>18 A Yes.</p> <p>19 Q And that was from the sale of the</p> <p>20 Newark property.</p> <p>21 Correct?</p> <p>22 A (No response)</p> <p>23 Q You transferred \$250,000 --</p> <p>24 A The prior bank statement, maybe go up,</p> <p>25 it showed the three-something and the twenty-one.</p>
<p style="text-align: right;">254</p> <p>1 John Raymond Cervini 254</p> <p>2 Q So you wire transferred \$200,000 in</p> <p>3 August of 2023 to 1003 Myrtle LLC but it was on</p> <p>4 behalf of Grace?</p> <p>5 A Yes. So it was a loan to Grace.</p> <p>6 Q Are there any loan documents?</p> <p>7 A No.</p> <p>8 Q Has Grace repaid any portion of that</p> <p>9 loan?</p> <p>10 A I think \$30,000.</p> <p>11 Q I'm sorry. Has any portion of that</p> <p>12 loan been repaid.</p> <p>13 A I think \$30,000, which is reflected</p> <p>14 in the bank accounts.</p> <p>15 Q I'm showing you what's been marked as</p> <p>16 Exhibit 45.</p> <p>17 This is your personal bank account</p> <p>18 statements for the Orange Bank & Trust account</p> <p>19 ending in 8273.</p> <p>20 Right?</p> <p>21 A Yes, sir.</p> <p>22 Q If you look at the entry August 31,</p> <p>23 2023, there is a \$30,000 debit.</p> <p>24 What is that for?</p> <p>25 A Debit? Debit would mean going out?</p>	<p style="text-align: right;">256</p> <p>1 John Raymond Cervini 256</p> <p>2 That was the sale of the property.</p> <p>3 Q There is no going up. This is the</p> <p>4 first account statement for this account.</p> <p>5 So let me just say this: --</p> <p>6 A Okay. I'm sorry.</p> <p>7 Q -- the \$250,000 was transferred on</p> <p>8 August 3rd from your account ending in 8273.</p> <p>9 Correct?</p> <p>10 A Yes.</p> <p>11 Q And then on August 10th you testified</p> <p>12 earlier -- are you with me?</p> <p>13 A Yes. That's the savings. That's why</p> <p>14 I'm thinking you're in the checking.</p> <p>15 Q August 10th you testified earlier</p> <p>16 \$75,000 was for 10 November.</p> <p>17 Correct?</p> <p>18 A Was advanced to Grace for 10 November.</p> <p>19 Q August 31st \$170,000 was transferred</p> <p>20 from this account, your personal account ending</p> <p>21 in 2144 to Myrtle's account.</p> <p>22 Correct?</p> <p>23 A Yes. Then an additional 30,000 for a</p> <p>24 total of two hundred.</p> <p>25 Q Okay. So the \$200,000 came from your</p>

<p style="text-align: right;">257</p> <p>1 John Raymond Cervini 257</p> <p>2 personal account, not from Grace account.</p> <p>3 Came from two different accounts?</p> <p>4 A Yes. I just wired it on Grace's</p> <p>5 behalf though.</p> <p>6 Q You don't have any documents</p> <p>7 reflecting that you made a loan of \$200,000 on</p> <p>8 Grace's behalf, do you?</p> <p>9 A There is probably a loan account in</p> <p>10 the QuickBooks. But other than that, there is no</p> <p>11 promissory note.</p> <p>12 Q What do you mean there is probably a</p> <p>13 loan account, what would that look like?</p> <p>14 A I had to log the loan to be paid back</p> <p>15 to me.</p> <p>16 Q So I just want to understand.</p> <p>17 So you loaned \$200,000 so that Grace</p> <p>18 could make payment for 1003 Myrtle.</p> <p>19 A Yes.</p> <p>20 Q Now at that point in time, you had an</p> <p>21 outstanding loan that you owed to Grace for</p> <p>22 \$427,000.</p> <p>23 Right?</p> <p>24 A So, yes. I was repaying that piece of</p> <p>25 it technically.</p>	<p style="text-align: right;">259</p> <p>1 John Raymond Cervini 259</p> <p>2 Q But \$200,000 of it you just said was</p> <p>3 collected.</p> <p>4 A I don't know if the amount was higher</p> <p>5 than the 400,000 originally at the time.</p> <p>6 Q At the time you filed your bankruptcy</p> <p>7 petition, how much was owed by shareholders to</p> <p>8 Grace in loans?</p> <p>9 A \$427,637.</p> <p>10 Q So what was the \$200,000 that you</p> <p>11 transferred to 1003 Myrtle LLC for, was that a</p> <p>12 loan?</p> <p>13 A It was transferred for the purchase</p> <p>14 of the property on Grace's behalf.</p> <p>15 Q You transferred money from your own</p> <p>16 personal account on Grace's behalf?</p> <p>17 A Yes.</p> <p>18 Q It's not a loan?</p> <p>19 A I think it's a loan, yes.</p> <p>20 Q But that's not reflected in your tax</p> <p>21 return.</p> <p>22 A I guess not. I'm not sure. I have</p> <p>23 to talk to the accountant on how he did it.</p> <p>24 Q You don't know as you sit here, do</p> <p>25 you?</p>
<p style="text-align: right;">258</p> <p>1 John Raymond Cervini 258</p> <p>2 Q Technically.</p> <p>3 So the \$427,000, you have repaid</p> <p>4 \$200,000 of that?</p> <p>5 A Yes.</p> <p>6 Q If you look at your 2022 bank</p> <p>7 statement, I'm sorry, if you look at your 2022 tax</p> <p>8 return which is Exhibit 42, line 7, it still says</p> <p>9 \$427,637 in loans to shareholders.</p> <p>10 Right?</p> <p>11 A Yes.</p> <p>12 Q Okay. It doesn't reflect that</p> <p>13 \$200,000 of that was repaid, does it?</p> <p>14 A I'm not sure. I don't think so.</p> <p>15 Q Why not?</p> <p>16 A I would have to speak to the</p> <p>17 accountant. I don't know how they booked</p> <p>18 everything.</p> <p>19 MS. CURLEY: Off the record for a</p> <p>20 second?</p> <p>21 MR. BELOWICH: No, I'm good.</p> <p>22 Q You have deemed this amount as</p> <p>23 uncollectible.</p> <p>24 Right?</p> <p>25 A Yes.</p>	<p style="text-align: right;">260</p> <p>1 John Raymond Cervini 260</p> <p>2 A I do not, Brian.</p> <p>3 Q I show you Exhibit 28.</p> <p>4 You recognize this document?</p> <p>5 A Looks like a general ledger for 1003</p> <p>6 Myrtle Estates.</p> <p>7 Q Now I'm telling you the way that this</p> <p>8 was provided to us, it's cut off. So the first,</p> <p>9 like the first page would go with page 3, second</p> <p>10 page would go with page 4.</p> <p>11 Do you understand, does that make</p> <p>12 sense?</p> <p>13 A Yes. Should have been landscape and</p> <p>14 it's not.</p> <p>15 Q Right. So I'm going to refer you</p> <p>16 first to pages 1 and 3.</p> <p>17 If you look at page 1, it says, the</p> <p>18 second and third entry says deposits August 31,</p> <p>19 2023, Grace Contracting.</p> <p>20 Do you see that?</p> <p>21 A Yes.</p> <p>22 Q And then if you go down to page 3,</p> <p>23 the amounts August 31, 2023 -- wait. Hold on a</p> <p>24 second. Here it is. So one and five match up.</p> <p>25 Right?</p>

<p style="text-align: right;">261</p> <p>1 John Raymond Cervini 261</p> <p>2 A Yeah. I got you. I'm following you.</p> <p>3 Q So the, all you could see are 30,000</p> <p>4 and 170,000.</p> <p>5 Correct?</p> <p>6 A Yes, sir.</p> <p>7 Q Those are listed as capital</p> <p>8 contributions in your general ledger.</p> <p>9 Right?</p> <p>10 A Yes.</p> <p>11 Q They are not listed as loans, are</p> <p>12 they?</p> <p>13 A Not to Myrtle Estates, no.</p> <p>14 Q Not to anybody, are they?</p> <p>15 A Just to Grace.</p> <p>16 Q Is that reflected here?</p> <p>17 A No, it wouldn't be reflected here.</p> <p>18 Q So you made Grace's capital</p> <p>19 contribution. That's what is reflected here.</p> <p>20 A Yes, sir.</p> <p>21 Q If you look at page 7 of this</p> <p>22 document, this general ledger, above the 30,000</p> <p>23 and the 170,000, there is a \$279,635.65 figure.</p> <p>24 A Okay.</p> <p>25 Q Do you know what that is?</p>	<p style="text-align: right;">263</p> <p>1 John Raymond Cervini 263</p> <p>2 A Yes.</p> <p>3 Q It says here Grace equity in 1003</p> <p>4 Myrtle Estates LLC is 479,635.65.</p> <p>5 Do you see that?</p> <p>6 A Yes.</p> <p>7 Q How is that arrived at?</p> <p>8 A I'm not sure. I think it's the</p> <p>9 combined amounts of those two numbers above.</p> <p>10 Q The \$200,000 that you paid to Myrtle</p> <p>11 and the \$279,000 loan from Grace to Myrtle?</p> <p>12 A Yes. I don't know if he did it where</p> <p>13 my two hundred that was lent to Grace comes back</p> <p>14 as the loan and then the other portion is the</p> <p>15 capital. I don't know. I have to ask the</p> <p>16 accountant.</p> <p>17 Q Did Grace pay you back any portion of</p> <p>18 the \$200,000 that you paid?</p> <p>19 A Thirty thousand I said before. It's</p> <p>20 reflected in the Orange Bank accounts.</p> <p>21 Q Which one, yours or Grace's?</p> <p>22 A It's reflected from Grace into my</p> <p>23 personal I think checking or savings.</p> <p>24 Q So the bank accounts should show what,</p> <p>25 \$30,000 going from where?</p>
<p style="text-align: right;">262</p> <p>1 John Raymond Cervini 262</p> <p>2 A You want to go up top and I will try</p> <p>3 to follow it? Which way are we looking at it?</p> <p>4 Q If you look at page 3, this is the</p> <p>5 beginning of this.</p> <p>6 A So that's a loan payable.</p> <p>7 Q Right.</p> <p>8 So what is that loan payable for</p> <p>9 279,635.65?</p> <p>10 A Payable to Grace Contracting.</p> <p>11 Q From who?</p> <p>12 A Myrtle Estates.</p> <p>13 Q So Grace loaned Myrtle 279,635.65?</p> <p>14 A I think that's how the accountant has</p> <p>15 it.</p> <p>16 Q Did it happen?</p> <p>17 A Yeah.</p> <p>18 Q When did Grace loan Myrtle</p> <p>19 279,635.65?</p> <p>20 A So all the deposits, expenses that add</p> <p>21 up to that number, that's considered the loan.</p> <p>22 Q Treated as a loan.</p> <p>23 A Yes.</p> <p>24 Q I show you Exhibit 29.</p> <p>25 Do you recognize this document?</p>	<p style="text-align: right;">264</p> <p>1 John Raymond Cervini 264</p> <p>2 A Grace back to me, 30 grand.</p> <p>3 Q What about the one-seventy?</p> <p>4 A No.</p> <p>5 Q That hasn't been repaid?</p> <p>6 A No, sir.</p> <p>7 Q Look at Exhibit 12. This is Orange</p> <p>8 Bank & Trust account number ending in 9220 for</p> <p>9 Grace.</p> <p>10 A Okay.</p> <p>11 Q There is an entry on October 10, 2023</p> <p>12 and it says pay back 30k towards 200k for 1003</p> <p>13 Myrtle.</p> <p>14 Do you see that?</p> <p>15 A Yes.</p> <p>16 Q First of all, do you know how that</p> <p>17 appears in your bank statement in that matter?</p> <p>18 A I think it gets logged in the memo</p> <p>19 section or the transfer section. It's a memo I</p> <p>20 think. I think that's how it's done.</p> <p>21 Q So then on October 10, 2023, this is</p> <p>22 a payment from Grace to you on October 10, 2023</p> <p>23 for \$30,000 to repay you \$30,000 that you paid to</p> <p>24 1003 Myrtle LLC on Grace's behalf. So Grace is</p> <p>25 still owed the money from 1003. That was on</p>

<p style="text-align: right;">265</p> <p>1 John Raymond Cervini 265</p> <p>2 October 10th.</p> <p>3 A Yes.</p> <p>4 Q I show you Exhibit 45. October --</p> <p>5 this is your account statement for the account</p> <p>6 ending 8273 October 10th.</p> <p>7 It says paid back 30k towards 200k</p> <p>8 for 1003 Myrtle, and then it shows the \$30,000</p> <p>9 deposit.</p> <p>10 Do you see that?</p> <p>11 A This is my personal account, yes.</p> <p>12 Q So that \$30,000 was paid from Grace</p> <p>13 to that personal account.</p> <p>14 A Yes.</p> <p>15 Q Do you recall as you sit here when</p> <p>16 1003 Myrtle Estates LLC purchased the property at</p> <p>17 1003 Myrtle?</p> <p>18 A I think sometime in August.</p> <p>19 Q Of 2023?</p> <p>20 A Of 2023, yes.</p> <p>21 Q That's after the trial ended, right,</p> <p>22 in the underlying lawsuit against the Bertussi's?</p> <p>23 A I don't remember when the trial</p> <p>24 ended.</p> <p>25 Q Do you remember it ended in the</p>	<p style="text-align: right;">267</p> <p>1 John Raymond Cervini 267</p> <p>2 Q If you look at page 3, do you know</p> <p>3 why it's blocked out?</p> <p>4 A I don't know. Sorry.</p> <p>5 Q I will just ask you.</p> <p>6 Did you sign this closing statement on</p> <p>7 or about August 31, 2023?</p> <p>8 A Yes, sir.</p> <p>9 Q Did you sign it as managing member of</p> <p>10 Grace Contracting?</p> <p>11 A Yes.</p> <p>12 Q And were you also managing member of</p> <p>13 1003 Myrtle Estates?</p> <p>14 A Yes.</p> <p>15 Q What was the sales price for this</p> <p>16 property?</p> <p>17 A I think it was 1, I, 1.330 or 1.336?</p> <p>18 I can't read it. If you want to zoom in.</p> <p>19 1.336.</p> <p>20 Q Million.</p> <p>21 A Yes, sir.</p> <p>22 Q And on the first page, the deposit of</p> <p>23 \$65,000, that's the deposit that you testified</p> <p>24 to.</p> <p>25 Correct?</p>
<p style="text-align: right;">266</p> <p>1 John Raymond Cervini 266</p> <p>2 spring?</p> <p>3 A I thought it ended --</p> <p>4 Q February?</p> <p>5 A Yeah.</p> <p>6 Q It was a few months later.</p> <p>7 Right?</p> <p>8 A Winter.</p> <p>9 Q So a few months after the trial while</p> <p>10 we are still waiting for a decision, 1003 Myrtle</p> <p>11 was purchased.</p> <p>12 Correct?</p> <p>13 A Yes.</p> <p>14 Q And the closing took place do you</p> <p>15 recall on or about August 31, 2023?</p> <p>16 A Yes.</p> <p>17 Q I have in front of you what's been</p> <p>18 marked as Exhibit 47.</p> <p>19 Do you recognize this?</p> <p>20 A Yes.</p> <p>21 Q What is it?</p> <p>22 A Looks like the closing statement I</p> <p>23 think from the title company.</p> <p>24 Q For 1003 Myrtle?</p> <p>25 A Yes.</p>	<p style="text-align: right;">268</p> <p>1 John Raymond Cervini 268</p> <p>2 A Yes, sir.</p> <p>3 Q Was there a contract to purchase this</p> <p>4 piece of property?</p> <p>5 A (No response)</p> <p>6 Q In other words, when the \$65,000 paid,</p> <p>7 was that in accordance with a contract?</p> <p>8 A I think so, yes.</p> <p>9 Q When was the contract entered into?</p> <p>10 A A couple of years before that.</p> <p>11 Q Why did it take so long between the</p> <p>12 contract and the closing?</p> <p>13 A Because we had to get it rezoned. So</p> <p>14 that process took a long time. And then as you</p> <p>15 know, the financial markets weren't that well.</p> <p>16 That's when Silicon Valley and all those guys went</p> <p>17 out. So it was a tumultuous time to get the loan</p> <p>18 figured out.</p> <p>19 Q I'm showing you what's been marked as</p> <p>20 Exhibit 30.</p> <p>21 Do you recognize this document?</p> <p>22 A Yes.</p> <p>23 Q Is this the contract for the purchase</p> <p>24 of 1003 Myrtle?</p> <p>25 A Yes. I don't know which one was or</p>

<p style="text-align: right;">269</p> <p>1 John Raymond Cervini 269</p> <p>2 there is other addendums.</p> <p>3 Q If you look at page 8 of 8, did you</p> <p>4 sign this document on or about January 27, 2022?</p> <p>5 A Yes, sir.</p> <p>6 Q And you said that there was a loan.</p> <p>7 What was the amount of the loan?</p> <p>8 A Say it again?</p> <p>9 Q You mentioned a moment ago that there</p> <p>10 was a loan for the purchase of 1003 Myrtle.</p> <p>11 Correct?</p> <p>12 A There is a construction hold loan</p> <p>13 right there. So loan charges, 2.9 million.</p> <p>14 Q What is a construction hold loan?</p> <p>15 A It's a loan to build a project.</p> <p>16 Q So the purchase price of the property</p> <p>17 itself was 1.336 million.</p> <p>18 Correct?</p> <p>19 A Yes.</p> <p>20 Q And 1003 Myrtle LLC took out a loan</p> <p>21 for the purchase and for construction in the</p> <p>22 amount of 2.913 million.</p> <p>23 A Yes, sir. I think actually more.</p> <p>24 Q What is the total amount?</p> <p>25 A Because -- well, the loan is 2.9 --</p>	<p style="text-align: right;">271</p> <p>1 John Raymond Cervini 271</p> <p>2 A Just showing the project of what it</p> <p>3 is.</p> <p>4 Q How much did it cost for you to put</p> <p>5 that sign together?</p> <p>6 A I don't know. A thousand dollars.</p> <p>7 Q A thousand dollars for a sign?</p> <p>8 A Yes.</p> <p>9 Q What does the sign say?</p> <p>10 A Just the site plan of the project and</p> <p>11 phone number, email, QR code.</p> <p>12 Q Who put together that sign?</p> <p>13 A Myself and the sign people in Tampa.</p> <p>14 Q Anyone else?</p> <p>15 A I think my dad rendered the site plan.</p> <p>16 Q Anyone else?</p> <p>17 A My brother maybe? I don't really</p> <p>18 know.</p> <p>19 Q Anybody else?</p> <p>20 A No.</p> <p>21 Q Any of you create a marketing</p> <p>22 display?</p> <p>23 A A marketing display?</p> <p>24 Q Right.</p> <p>25 A Not that I'm aware of.</p>
<p style="text-align: right;">270</p> <p>1 John Raymond Cervini 270</p> <p>2 I'm sorry. I'm saying the whole thing together</p> <p>3 from because the borrower it's like \$4.3 million</p> <p>4 between the loan and the land acquisition.</p> <p>5 Q Were any of the proceeds of the loan</p> <p>6 either paid or disbursed to you or Grace?</p> <p>7 A The proceeds?</p> <p>8 Q You took out a loan for the purchase</p> <p>9 of this property, and the loan was worth more than</p> <p>10 the purchase price.</p> <p>11 Correct?</p> <p>12 A Yes.</p> <p>13 Q Did you or Grace take any portion of</p> <p>14 the money that was loaned?</p> <p>15 A We have not drawn on the loan.</p> <p>16 Q The loan is still --</p> <p>17 A 2.9 million.</p> <p>18 Q What is the current status of the</p> <p>19 project?</p> <p>20 A It's, we are waiting on permits. It's</p> <p>21 ridiculous.</p> <p>22 Q Have you done any marketing?</p> <p>23 A Marketing, it's not on the MLS. Yes.</p> <p>24 We have a sign out front.</p> <p>25 Q What kind of sign?</p>	<p style="text-align: right;">272</p> <p>1 John Raymond Cervini 272</p> <p>2 Q I show you Exhibit 12, page 141 of</p> <p>3 144.</p> <p>4 There is a check number 2438 payable</p> <p>5 to Lorene Cervini June 10, 2024.</p> <p>6 A Yes.</p> <p>7 Q A few months ago.</p> <p>8 A Yes.</p> <p>9 Q For \$5,000.</p> <p>10 A Was for a model of the development.</p> <p>11 Q That's not what it says, is it?</p> <p>12 A It's a marketing display because it's</p> <p>13 a model.</p> <p>14 Q What did your mom do to create that</p> <p>15 model?</p> <p>16 A The guy wanted cash so I said to my</p> <p>17 mom here is a check, cash it, pay him, claim it</p> <p>18 on our taxes, and move on.</p> <p>19 Q How much did it cost in cash?</p> <p>20 A \$5,000.</p> <p>21 Q Exactly? Do you have a receipt?</p> <p>22 A Yes, we do. I can provide that.</p> <p>23 It's actually more. We paid a down</p> <p>24 payment and then he wanted a second payment.</p> <p>25 Q When was that?</p>

273

1 John Raymond Cervini 273
 2 A When was what, the first payment or
 3 second?
 4 Q Either one of them.
 5 A Around that time or a -- no, probably
 6 a couple of weeks before.
 7 Q Is Grace involved? Any other projects
 8 in Florida besides 1003 Myrtle?
 9 A It has a contract on, in Venice for a
 10 piece of land that we are working on to see if
 11 it's feasible to get it approved, but we haven't
 12 made any headway yet.
 13 Q Who is "we"?
 14 A Grace.
 15 Q How long have you been looking into
 16 doing that project?
 17 A About two-and-a-half years.
 18 Q What have you done in terms of trying
 19 to further that project?
 20 A We had some design stuff done, we had
 21 some surveying done, we had a, what do you call,
 22 that environmental study, make sure there is no
 23 endangered species on the property.
 24 Q Anything else?
 25 A I don't recall. We paid attorneys,

274

1 John Raymond Cervini 274
 2 we filed a preliminary application.
 3 Q What is the total amount of money
 4 that Grace has paid in connection with this
 5 project?
 6 A I don't remember at this moment
 7 sitting here.
 8 Q I'm going to show you Exhibit 10.
 9 This is the Signature Bank statement for Grace,
 10 page 220 of 272.
 11 There is an entry on April 25th of
 12 2022, \$200,000 wire transfer from Grace account
 13 ending in 6622 to this account ending in 3480.
 14 Do you know what that is for?
 15 A I don't recall.
 16 Q Do you know what you did with that
 17 \$200,000 or what Grace did?
 18 A I'm not sure, Brian.
 19 Q Same day as the \$200,000 transfer, in
 20 you transferred \$150,000 out to Berlin Patten,
 21 P-A-T-T-E-N, Ebling.
 22 Do you see that?
 23 A Yes.
 24 Q What is that?
 25 A That is the title company for the

275

1 John Raymond Cervini 275
 2 Venice project.
 3 Q Why did you transfer \$150,000 from
 4 Grace to that title company?
 5 A I think it was the deposit to go into
 6 contract, the non-refundable deposit.
 7 Q Do you have any documents reflecting
 8 that that deposit was due and that it's non-
 9 refundable?
 10 A Yes.
 11 Q What documents do you have?
 12 A The contract. We provided it with
 13 the addendums. I know that. Because we had to
 14 extend. Keep pushing the closing.
 15 Q When was the contract entered into,
 16 would it have been in April of 2022?
 17 A Yes. It would be around the time
 18 that this money was sent. I don't know if it was
 19 signed and then we had three to five or ten days
 20 to wire it. Something along those lines.
 21 Q What was the status of that project
 22 in April of 2022?
 23 A Status of the project? April 2022.
 24 We were trying to do our due diligence period.
 25 Q So you made a non-refundable payment

276

1 John Raymond Cervini 276
 2 of \$150,000 in April of 2022.
 3 Did you make any payments in
 4 connection with that project after April of 2022?
 5 A Yes.
 6 Q When is the next payment that you
 7 made?
 8 A I'm not sure because that went into
 9 escrow, and they were allowed to take I think
 10 every so often a period of monies out of escrow
 11 to the seller, and that became non-refundable as
 12 that happened.
 13 Q Did Grace, so you're saying Grace made
 14 additional payments that went into escrow in
 15 addition to the \$150,000 that was sent to the
 16 title company?
 17 A I think so. Amongst expenses.
 18 Q So if you look at Exhibit 12, and
 19 this is the account statements for Grace account
 20 ending 9220, I ask you to look at page 25.
 21 There is a transfer on August 24,
 22 2023. It says federal wire out Venice escrow
 23 \$12,500.
 24 Do you see that?
 25 A Yes, sir.

<p style="text-align: right;">277</p> <p>1 John Raymond Cervini 277</p> <p>2 Q Is that what you're referring to?</p> <p>3 A Yes.</p> <p>4 Q And Grace made \$12,500 payments in</p> <p>5 August, September, October, November and December</p> <p>6 of 2023.</p> <p>7 Correct?</p> <p>8 A Yes.</p> <p>9 Q Why?</p> <p>10 A To extend the contract.</p> <p>11 Q So every month that you wanted to</p> <p>12 extend it, Grace had to pay another \$12,500?</p> <p>13 A No. I think we had an agreement that</p> <p>14 it was going to be extended for a period of time,</p> <p>15 and then the payments were made each month.</p> <p>16 Does that makes sense?</p> <p>17 Q You said earlier that Grace paid</p> <p>18 attorneys in connection with the Venice project.</p> <p>19 Is that right?</p> <p>20 A Yes.</p> <p>21 Q Is the law firm that was paid called</p> <p>22 Older, Lundy, Koch?</p> <p>23 A It was Shumaker first I think, and</p> <p>24 then the Shumaker group left and went to Older</p> <p>25 Lundy, so yes. The answer is yes.</p>	<p style="text-align: right;">279</p> <p>1 John Raymond Cervini 279</p> <p>2 A No.</p> <p>3 Q No promissory notes or anything else?</p> <p>4 A No, sir.</p> <p>5 Q I show you Exhibit 12, page 129 of</p> <p>6 144. This is Grace account 9220.</p> <p>7 A Okay.</p> <p>8 Q On June 6 -- sorry. It's page 131.</p> <p>9 June 6th there is a wire to Grace Florida in the</p> <p>10 amount of \$20,000.</p> <p>11 Correct?</p> <p>12 A Yes.</p> <p>13 Q What is that wire for?</p> <p>14 A It was lending money to Grace Florida</p> <p>15 so it can get us insurance.</p> <p>16 Q Has that money been paid back?</p> <p>17 A No.</p> <p>18 Q June 12th, another \$20,000 wired from</p> <p>19 Grace to Grace Florida.</p> <p>20 Do you see that?</p> <p>21 A Yes, sir.</p> <p>22 Q What is that for?</p> <p>23 A Same.</p> <p>24 Q Has that money been paid back?</p> <p>25 A No.</p>
<p style="text-align: right;">278</p> <p>1 John Raymond Cervini 278</p> <p>2 Q And you paid the Older Lundy firm</p> <p>3 about \$50,000 between October of 2023 and June of</p> <p>4 2024.</p> <p>5 Right?</p> <p>6 A Yes.</p> <p>7 Q Did Grace Florida have anything to do</p> <p>8 with this Venice project?</p> <p>9 A No.</p> <p>10 Q What was Grace Florida formed for?</p> <p>11 A I told you before. The insurance.</p> <p>12 Q Did Grace make any payments of any</p> <p>13 kind to Grace Florida after Grace Florida was</p> <p>14 formed?</p> <p>15 A Might have lent it some money to run</p> <p>16 some bills through.</p> <p>17 Q Do you recall that actually happening?</p> <p>18 A Yes.</p> <p>19 Q You do?</p> <p>20 When did Grace loan money to Grace</p> <p>21 Florida?</p> <p>22 A I don't recall the date.</p> <p>23 Q Are there any documents other than</p> <p>24 bank statements reflecting a loan from Grace to</p> <p>25 Grace Florida?</p>	<p style="text-align: right;">280</p> <p>1 John Raymond Cervini 280</p> <p>2 Q So you transferred within a week</p> <p>3 \$40,000 from Grace to Grace Florida.</p> <p>4 Correct?</p> <p>5 A Yes.</p> <p>6 Q What did you use the \$40,000 for?</p> <p>7 A We provided the bank statements for</p> <p>8 Grace Florida.</p> <p>9 Q What did you use the \$40,000 for?</p> <p>10 A Expenses for the company.</p> <p>11 Q For what company?</p> <p>12 A Grace Florida.</p> <p>13 Q What expenses did Grace Florida have?</p> <p>14 A Insurance. And then it was also</p> <p>15 paying to maintain the property. Got to cut the</p> <p>16 grass because it's a farm and there is pastures,</p> <p>17 so we had some labor work on the property.</p> <p>18 Q What property?</p> <p>19 A 1003 Myrtle.</p> <p>20 Q I show you Exhibit 33. These are bank</p> <p>21 statements for Grace Florida.</p> <p>22 A Yes.</p> <p>23 Q Do you recognize them?</p> <p>24 A Yes.</p> <p>25 Q This bank account was opened in June</p>

<p style="text-align: right;">281</p> <p>1 John Raymond Cervini 281</p> <p>2 of 2024.</p> <p>3 Correct?</p> <p>4 A Yes.</p> <p>5 Q After you filed for bankruptcy?</p> <p>6 A Yes.</p> <p>7 Q And if you look at -- you know what?</p> <p>8 Strike that.</p> <p>9 I show you Exhibit 32 first. These</p> <p>10 are bank statements for Grace Florida as well.</p> <p>11 Right?</p> <p>12 A Yes.</p> <p>13 Q For the account ending in 1444?</p> <p>14 A Yes.</p> <p>15 Q This account statement shows on the</p> <p>16 first page two wire transfers from Grace to Grace</p> <p>17 Florida, each in the amount of \$20,000.</p> <p>18 Correct? Right?</p> <p>19 A Yes.</p> <p>20 Q And on June 12th it says web transfer</p> <p>21 to MMA account ending in 2704, \$5,000.</p> <p>22 Do you see that?</p> <p>23 A Yes.</p> <p>24 Q What account is that?</p> <p>25 A I think that's the general liability,</p>	<p style="text-align: right;">283</p> <p>1 John Raymond Cervini 283</p> <p>2 \$5,000?</p> <p>3 A Just to open up the account. They</p> <p>4 need money to open the account.</p> <p>5 Q Is the money still in the account?</p> <p>6 A I believe so.</p> <p>7 Q Have you or Grace made any other</p> <p>8 payments or transfers to Grace Florida?</p> <p>9 A We might have. I don't recall at</p> <p>10 this minute.</p> <p>11 Q Exhibit 12, page 129 out of 144,</p> <p>12 June 5, 2024 there is an entry that says RV,</p> <p>13 \$40,000.</p> <p>14 What is that?</p> <p>15 A That's for Venice escrow, additional</p> <p>16 escrow, because it's in hopes to make it an RV</p> <p>17 park. So --</p> <p>18 Q I'm sorry.</p> <p>19 A The project in Venice is to be</p> <p>20 developed hopefully if we get approved as an RV</p> <p>21 park. So that's why she logged it as RV.</p> <p>22 Q Who is "she"?</p> <p>23 A Sheila.</p> <p>24 Q That's in connection with the other</p> <p>25 payments that were made to the Venice project?</p>
<p style="text-align: right;">282</p> <p>1 John Raymond Cervini 282</p> <p>2 commercial MMA. I think that's what it was for.</p> <p>3 Q I show you Exhibit 33. This is an</p> <p>4 account statement for Grace Florida account ending</p> <p>5 2704.</p> <p>6 Correct?</p> <p>7 A Yes.</p> <p>8 Q And this shows a transfer of \$5,000</p> <p>9 from the account that's Exhibit 32 to the account</p> <p>10 that's Exhibit 33.</p> <p>11 Correct?</p> <p>12 A Okay. So we moved -- I'm sorry. We</p> <p>13 moved \$5,000 to open up that account I think. So</p> <p>14 we had a savings and a checking at that point,</p> <p>15 right, if that's, show me the other account,</p> <p>16 please.</p> <p>17 Yeah. Checking, the other one.</p> <p>18 Q This is 32, checking account which was</p> <p>19 opened on June 6th of 2024.</p> <p>20 Correct?</p> <p>21 A Yes.</p> <p>22 Q And then on June 12th you transferred</p> <p>23 \$5,000 to the money market account --</p> <p>24 A Which becomes a savings accounts.</p> <p>25 Q Savings account, and that's the</p>	<p style="text-align: right;">284</p> <p>1 John Raymond Cervini 284</p> <p>2 A Yes.</p> <p>3 Q You're a 100 percent owner of RC Real</p> <p>4 Estate Development LLC.</p> <p>5 Correct?</p> <p>6 A Yes.</p> <p>7 Q What does RC stand for?</p> <p>8 A At the time when I opened it years ago</p> <p>9 it was for Rutigliano and Cervini.</p> <p>10 Q Who is Rutigliano and how do you spell</p> <p>11 it?</p> <p>12 A I don't know. It's a long Italian</p> <p>13 name. I don't know.</p> <p>14 Q Do you recall when that entity RC Real</p> <p>15 Estate Development LLC was formed?</p> <p>16 A 2013, '14, somewhere, 2012, I don't</p> <p>17 know. It was a long time ago.</p> <p>18 Q At one point you were a 50 percent</p> <p>19 member of that entity.</p> <p>20 Right?</p> <p>21 A Yes.</p> <p>22 Q Who owns the other 50 percent?</p> <p>23 A Phil and Mary Jane Rutigliano.</p> <p>24 Q Who is Luzdary, L-U-Z-D-A-R-Y,</p> <p>25 Salazar?</p>

<p style="text-align: right;">285</p> <p>1 John Raymond Cervini 285</p> <p>2 A My sister.</p> <p>3 Q Was she ever a member of this entity?</p> <p>4 A Yes.</p> <p>5 Q When?</p> <p>6 A So Phil and his wife wanted to get</p> <p>7 out, so I bought their interest with my wedding</p> <p>8 money and I didn't have enough. So Luz gave me</p> <p>9 the remaining balance of the money, lent it to me</p> <p>10 to buy the property, buy them out.</p> <p>11 Q When was this?</p> <p>12 A I don't know.</p> <p>13 Q Was this a loan?</p> <p>14 A Sometime in 2015, 2016 I think.</p> <p>15 Q Was this a loan from your sister?</p> <p>16 A Yes.</p> <p>17 Q Are there any documents reflecting</p> <p>18 that this is a loan?</p> <p>19 A No.</p> <p>20 Q When did you -- strike that.</p> <p>21 Did you repay this loan?</p> <p>22 A Grace has been making payments to</p> <p>23 her.</p> <p>24 Q When did Grace first start making</p> <p>25 payments to her?</p>	<p style="text-align: right;">287</p> <p>1 John Raymond Cervini 287</p> <p>2 Q Has it been amended at all?</p> <p>3 A Not that I'm aware of.</p> <p>4 Q This document reflects, just bear</p> <p>5 with me, that you're a 50 percent owner of RC Real</p> <p>6 Estate Development LLC in 2021.</p> <p>7 Correct?</p> <p>8 A Yes, sir.</p> <p>9 Q And at that point in time your sister</p> <p>10 owned the other 50 percent.</p> <p>11 Correct?</p> <p>12 A Yes.</p> <p>13 Q So it would have been at some point</p> <p>14 after 2021 that you became the hundred percent</p> <p>15 owner?</p> <p>16 A Yes. She lent me the 25,000 as you</p> <p>17 see L. Ending capital account.</p> <p>18 Q You're referring to page 10 of 16,</p> <p>19 the ending capital account, \$25,283, that's what</p> <p>20 your sister loaned you?</p> <p>21 A Yes.</p> <p>22 Q When did she loan that money to you?</p> <p>23 A I think sometime in, I was married in</p> <p>24 2015, so 2015, 2016.</p> <p>25 Q Did you make any repayments to her of</p>
<p style="text-align: right;">286</p> <p>1 John Raymond Cervini 286</p> <p>2 A I don't recall.</p> <p>3 Q You said you're now a 100 percent</p> <p>4 owner of this company?</p> <p>5 Right?</p> <p>6 A Yes.</p> <p>7 Q So when did it change from you and</p> <p>8 your sister being 50 percent owners each to you</p> <p>9 being 100 percent owner?</p> <p>10 A I would have to look. I think it's</p> <p>11 on the tax return.</p> <p>12 THE WITNESS: Can we break two</p> <p>13 minutes?</p> <p>14 MR. BELOWICH: If you want to but</p> <p>15 I'm almost done.</p> <p>16 Q I show you Exhibit 35.</p> <p>17 Do you recognize this?</p> <p>18 A Yes. Tax return for RC Real Estate.</p> <p>19 Q This is the tax return for RC Real</p> <p>20 Estate for 2021?</p> <p>21 A Yes.</p> <p>22 Q Is all the information in this</p> <p>23 document true and correct to the best of your</p> <p>24 knowledge?</p> <p>25 A Yes.</p>	<p style="text-align: right;">288</p> <p>1 John Raymond Cervini 288</p> <p>2 that loan between 2015, 2016 and 2022?</p> <p>3 A Yes. Small amounts but yes.</p> <p>4 Q What amounts?</p> <p>5 A I don't know; 2,000 3,000, 5,000.</p> <p>6 Q So if there are payments reflected in</p> <p>7 the bank statements to --</p> <p>8 A Luzdary Salazar, it would be for that</p> <p>9 loan.</p> <p>10 Q Did you list your sister as a creditor</p> <p>11 in your bankruptcy petition?</p> <p>12 A I don't recall.</p> <p>13 Q Did you list any of your siblings as</p> <p>14 creditors in your bankruptcy petition?</p> <p>15 A I don't recall.</p> <p>16 Q Did you list either of your parents</p> <p>17 as creditors in your bankruptcy petition?</p> <p>18 A I don't recall.</p> <p>19 Q Did you list any entities owned by</p> <p>20 anyone in your family as creditors in your</p> <p>21 bankruptcy petition?</p> <p>22 A Any entities owned by a family member?</p> <p>23 Not that I'm aware of.</p> <p>24 Q Have any members of your family filed</p> <p>25 a proof of claim in your bankruptcy?</p>

<p style="text-align: right;">289</p> <p>1 John Raymond Cervini 289</p> <p>2 A I don't know what that means.</p> <p>3 Q Is anybody in your family asking to</p> <p>4 be paid back now that you filed for bankruptcy?</p> <p>5 A Not that I'm aware.</p> <p>6 Q Let me show you the last document for</p> <p>7 now. Exhibit 49.</p> <p>8 Do you recognize Exhibit 49?</p> <p>9 A Yes.</p> <p>10 Q What is it?</p> <p>11 A Similar to what the 200 East Erie. I</p> <p>12 think it's like a market analysis valuation.</p> <p>13 Q Who is Carlos M. Turner?</p> <p>14 A He's the realtor that helped sell</p> <p>15 359 South 8th Street.</p> <p>16 Q Did you ask him to perform this</p> <p>17 valuation?</p> <p>18 A Yes.</p> <p>19 Q What did you ask him to do?</p> <p>20 A I'm going through a legal dispute on</p> <p>21 a bankruptcy and I need to get a valuation for</p> <p>22 the creditors.</p> <p>23 Q Did you tell the other two individuals</p> <p>24 who prepared valuation properties that you were</p> <p>25 going through a bankruptcy and that's why you</p>	<p style="text-align: right;">291</p> <p>1 John Raymond Cervini 291</p> <p>2 Q There are no pictures of this interior</p> <p>3 in their evaluation analysis, is there?</p> <p>4 A Not that I'm aware.</p> <p>5 Q If you look at page 2 of this</p> <p>6 document, it says that the result of the sales</p> <p>7 comparison analysis is \$291,400.</p> <p>8 Do you see that?</p> <p>9 A Yes.</p> <p>10 Q Do you know how that number was</p> <p>11 arrived at?</p> <p>12 A I would imagine other properties that</p> <p>13 he compared it to.</p> <p>14 Q It was based on comparables?</p> <p>15 A Yes.</p> <p>16 Q If you look at your bankruptcy</p> <p>17 petition, page 18 of 57, it says under RC Real</p> <p>18 Estate the assets are \$250,000.</p> <p>19 Do you know what that number</p> <p>20 represents?</p> <p>21 A I'm not sure.</p> <p>22 Q Is that the value of the property at</p> <p>23 Isabella?</p> <p>24 A I would imagine so.</p> <p>25 Q The person that you hired to perform</p>
<p style="text-align: right;">290</p> <p>1 John Raymond Cervini 290</p> <p>2 needed it?</p> <p>3 A I don't recall.</p> <p>4 Q Did you --</p> <p>5 A I said I was going through a</p> <p>6 bankruptcy or a legal issue, I need to get the</p> <p>7 property appraised.</p> <p>8 Q Did you show Carlos Turner the inside</p> <p>9 of this property, the inside of the house?</p> <p>10 A I don't know. I just sent him there</p> <p>11 and gave him the tenants' information.</p> <p>12 Q You weren't there when he performed</p> <p>13 this valuation?</p> <p>14 A No.</p> <p>15 Q And you don't know if he went inside,</p> <p>16 do you?</p> <p>17 A Not that I'm aware of.</p> <p>18 Q You didn't show him the inside, did</p> <p>19 you?</p> <p>20 A He has been inside of it before</p> <p>21 because I thought about maybe selling it, so I</p> <p>22 told him to go look at it. And then -- so he's</p> <p>23 seen it.</p> <p>24 I don't know if he went in this time</p> <p>25 but he has been in there before.</p>	<p style="text-align: right;">292</p> <p>1 John Raymond Cervini 292</p> <p>2 a valuation analysis, he said that the value was</p> <p>3 \$291,400.</p> <p>4 Right?</p> <p>5 A Yes. I provided everything to my</p> <p>6 attorney. I wasn't the one that prepared the</p> <p>7 document. I reviewed it but I didn't look at it</p> <p>8 that closely.</p> <p>9 Q Why not?</p> <p>10 A I thought -- I looked at it pretty</p> <p>11 quickly and I thought we had everything there.</p> <p>12 Q Looking at the petition, it says that</p> <p>13 there is a mortgage of \$98,000.</p> <p>14 Do you see that?</p> <p>15 A Yes.</p> <p>16 Q What does that number represent, the</p> <p>17 balance due?</p> <p>18 A Yes, sir.</p> <p>19 Q What was the total amount of the</p> <p>20 mortgage that you took out to purchase that</p> <p>21 property?</p> <p>22 A I don't remember. A hundred and</p> <p>23 twenty? A hundred and thirty? Something like</p> <p>24 that.</p> <p>25 MR. BELOWICH: We can take a</p>

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1 John Raymond Cervini 293
2 break. We may be done. I want to
3 talk to my clients. We will take a
4 two-minute break.
5 (Whereupon, a brief recess was
6 taken.)
7 MR. BELOWICH: I have no further
8 questions today.
9 We are going to keep your
10 deposition open because there are
11 certain documents that we've asked
12 for that are going to be produced.
13 And so we will leave it open and
14 continue it another time.
15 Thank you.
16 MS. CURLEY: Thank you.
17 THE WITNESS: Thank you.
18
19 (Time noted: 4:40 p.m.)
20
21
22
23
24
25

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1 John Raymond Cervini 294
2 A C K N O W L E D G E M E N T
3
4 STATE OF NEW YORK)
5 ss:
6 COUNTY OF ROCKLAND)
7
8 I, JOHN RAYMOND CERVINI, hereby certify that I
9 have read the transcript of my testimony taken under
10 oath in my deposition of October 21, 2024; that the
11 transcript is a true, complete, and correct record of
12 what was asked, answered, and said during this
13 deposition, and that the answers on the record as
14 given by me are true and correct.
15
16 _____JOHN RAYMOND CERVINI
17
18
19
20
21
22 Subscribed and sworn to
23 before me this _____ day
24 of _____, 2024.
25 _____NOTARY PUBLIC

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2CERTIFICATE

3STATE OF NEW YORK)

4ss:

5COUNTY OF ROCKLAND)

6

7

8I, CHERYL THOMPSON, a Shorthand Reporter and

9Notary Public in and for the State of New York, do

10hereby certify:

11That the testimony of JOHN RAYMOND CERVINI was

12held before me at the aforesaid time and place.

13That said witness was duly sworn before the

14commencement of the testimony, and that the testimony

15was taken stenographically by me and is a true and

16accurate transcription of my stenographic notes.

17I further certify that I am not related to any of

18the parties to the action by blood or marriage, and

19that I am in no way interested in the outcome of this

20matter.

21IN WITNESS WHEREOF, I have hereunto set my hand

22this 5th day of November 2024.

23

24CHERYL THOMPSON

25

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3
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5 RE: JOHN RAYMOND CERVINI
6 DATE TAKEN: OCTOBER 21, 2024
7
8 PAGE LINE # CORRECTION REASON
9
10
11
12
13
14
15
16
17
18
19
20
21
22 JOHN RAYMOND CERVINI
23 Subscribed and sworn to
24 before me this day
25 of , 2024.
NOTARY PUBLIC

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